

THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, the 23rd August 1955.

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. Chairman (THE HON. DR. P. V. CHERIAN) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

B.C.G. Vaccination in Tiruchirappalli Municipal Area

* 346 Q.—SRI G. KRISHNAMOORTHY: Will the Hon. the Minister for Health be pleased to state—

(a) the number of persons who were vaccinated with B.C.G. in the Tiruchirappalli Municipal area recently; and

(b) the number of persons who refused to get themselves vaccinated with B.C.G.?

THE HON. SRI A. B. SHETTY :—“(a) 28,130, Sir.

“(b) ‘Nil’, Sir.”

SRI G. KRISHNAMOORTHY :—“May I know, Sir, the number of persons who were tuberculin tested in that municipal area?”

THE HON. SRI A. B. SHETTY :—“108,304.”

SRI MOHAMED RAZA KHAN :—“May I know how far the controversy which we find both in the Press and on the platform has affected the B.C.G. vaccination in Tiruchirappalli and other districts?”

THE HON. SRI A. B. SHETTY :—“After the controversy started, Sir, a fear complex has been roused in the minds of people. So it has affected the campaign.”

SRI MOHAMED RAZA KHAN :—“Is it true that in such of the Southern districts where it is being introduced, the response is not as was expected, after this controversy?”

THE HON. SRI A. B. SHETTY :—“Yes, the response is less.”

SRI G. KRISHNAMOORTHY :—“May I know the number of positive reactors to the tuberculin test in that area?”

THE HON. SRI A. B. SHETTY :—“About 40 per cent are negative reactors.”

SRI V. CHAKKARAI CHETTY :—“Is it a fact, Sir, that in Tirunelveli the response has been very poor? It was so stated in the newspapers.”

THE HON. SRI A. B. SHETTY :—“Yes, Sir.”

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SRI MOHAMED RAZA KHAN :—“ Why not the reserve doctors, before carrying on this campaign, have an experiment on themselves in order to set at rest this controversy? Is it too much to ask the Minister for Public Health and some of us to have this B.C.G. vaccination themselves so that we may create a feeling that there is no harm in B.C.G. vaccination? ”

THE HON. SRI A. B. SHETTY :—“ Tuberculin test is done particularly in the age group 2 to 25, and those who are found negative reactors are given the B.C.G. vaccination. I am afraid the hon. Member may be found to be a positive reactor.” (Laughter.)

SRI MOHAMED RAZA KHAN :—“ May I know, before starting the controversy by the persons interested, whether any attempt was made by them to persuade the Government or to impress upon the Government their point of view? ”

THE HON. SRI A. B. SHETTY :—“ Not at all, Sir. The controversy started when Rajaji was invited to speak under the auspices of the Tuberculosis Association at its annual meeting where he launched this anti-B.C.G. campaign and since then the controversy has been kept up. Rajaji, while he was himself Chief Minister, proposed that mass B.C.G. vaccination may be started at Tellicherry. Subsequently during his time, it was proposed to extend it to the whole of the West Coast.”

SRI G. KRISHNAMOORTHY :—“ Am I to understand that all the negative reactors in the Tiruchirappalli municipal area got themselves B.C.G. vaccinated? ”

THE HON. SRI A. B. SHETTY :—“ All of them did not come. Those who came for vaccination were vaccinated. It is entirely voluntary.”

SRI G. KRISHNAMOORTHY :—“ What will be the effect on the part of a person, who gets himself tuberculin tested, proves to be a negative reactor and does not get himself B.C.G. vaccinated? ”

MR. CHAIRMAN :—“ That is a very technical question.”

THE HON. SRI A. B. SHETTY :—“ If he is exposed to virulent primary infection there is the danger of his getting tuberculosis attack.”

SRI G. KRISHNAMOORTHY :—“ Have the Government any idea of just segregating these B.C.G. vaccinated people from others who may be more in every municipal area, namely, positive reactors? ”

THE HON. SRI A. B. SHETTY :—“ How is it possible to segregate? The hon. Member may give his suggestion.”

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SRI MOHAMED RAZA KHAN :—“ The Hon. Minister has said that during the time when Rajaji was the Chief Minister, Tellicherry was selected for this B.C.G. vaccination. May I know whether the small misunderstanding between Tamil Nad and Malabar is one of the factors why Tellicherry was selected? ”

THE HON. SRI A. B. SHETTY :—“ The M.L.A. representing the Tellicherry constituency was very anxious to have it there. So to accede to his request, that centre was proposed.”

SRI G. KRISHNAMOORTHY :—“ Was the consent of the parent or the school teacher obtained in the case of school children? ”

THE HON. SRI A. B. SHETTY :—“ Yes, Sir. It is obtained.”

SRI M. P. GOVINDA MENON :—“ Are the Government aware, Sir, that experts in the medical world are divided on this question? ”

THE HON. SRI A. B. SHETTY :—“ No, Sir; except a few.”

SRI G. KRISHNAMOORTHY :—“ Have the Government taken the consent of the parent or the teacher in the case of school children? ”

THE HON. SRI A. B. SHETTY :—“ Teachers are asked to get the consent of the parents of the children.”

SRI G. KRISHNAMOORTHY :—“ Will it not be possible to issue individual notices to the parents of children before tuberculin-testing them? ”

THE HON. SRI A. B. SHETTY :—“ That will create great fright, and it will practically make the campaign impossible.”

SRI MOHAMED RAZA KHAN :—“ The Hon. Minister has said that there is the fear complex in this State. May I know what positive steps the Government are taking at least to dispel the fear from those parents whose children might have had this B.C.G. vaccination? ”

THE HON. SRI A. B. SHETTY :—“ The Government have published a pamphlet, copies of which have been made available to hon. Members. These pamphlets are distributed free to all people who want them.”

SRI G. KRISHNAMOORTHY :—“ May I request the Government to see that sufficient staff are appointed to see the reaction on and the duration of the immunity given to, these B.C.G. vaccinated children? ”

THE HON. SRI A. B. SHETTY :—“ The reaction usually seen in people who are given the vaccination is a tiny ulcer which heals without any treatment. So far as our knowledge goes,

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no other kind of cases had occurred. When thousands of children are being vaccinated, in the normal course of things, they get certain ailments, and on account of the atmosphere now created, people think that whatever ailments their children get are due to B.C.G. vaccination. This is quite wrong."

3-10 p.m. SRI MOHAMED RAZA KHAN :—" As meetings are held every now and then on the topic ' Why I oppose the B.C.G. ? ', is it too much to expect the Hon. Minister for Health also to address meetings on the topic ' Why I support the B.C.G. ? ' "

THE HON. SRI A. B. SHETTY :—" I do not see the necessity for it, Sir. Dr. Ranganathan, the Director of the B.C.G. Institute, Guindy, which is under the Government of India gave a lecture under the auspices of the City Branch of the Indian Medical Association. That lecture has been printed. I would request the hon. Member to get a copy of it and read."

SRI K. BALASUBRAMANYA AYYAR :—" May I know, Sir, the expenditure that has been incurred till now on mass B.C.G. vaccination? "

THE HON. SRI A. B. SHETTY :—" I cannot give now the figures, Sir. But, I may tell the hon. Member that B.C.G. vaccination has not been started only by the Madras Government. There is an international B.C.G. campaign which has been going on in several countries of the world for the last 25 to 30 years. The Government of India have taken up this campaign with the aid of the World Health Organization and the UNICEF and all States in India have taken to this mass B.C.G. campaign. The Madras State was the last State to take up this campaign."

SRI T. PURUSHOTHAM :—" Are we to assume from the reply of the Hon. Minister that this scheme was approved by the Rajaji Cabinet and that the policy initiated by him is being followed by the present Government? "

THE HON. SRI A. B. SHETTY :—" Yes, Sir. That is what I said."

SRI MOHAMED RAZA KHAN :—" B.C.G. is not confined to our State alone. May I know what are the special reasons for this controversy in this State? If there is anything wrong, other States might have also thought of it."

THE HON. SRI A. B. SHETTY :—" No such controversy is seen in the other States and the B.C.G. campaign is going on in those States smoothly as it was going on here till May when this controversy began. We have read in papers what reply was given to questions asked about this matter, in the Rajya Sabha at Delhi, in the Bengal Legislative Assembly and in the Andhra Legislative Assembly. They have all said

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that they are going on with this campaign. They are continuing it. They are doing it on the advice of the best medical experts available to the Government."

Fresh taxation to finance the Second Five-Year Plan

* 347 Q.—SRI MOHAMED RAZA KHAN : Will the Hon. the Minister for Finance and Education be pleased to state whether the Madras Government have given any assurance to the Government of India in regard to fresh taxation to finance the Second Five-Year Plan and, if so, what is the assurance?

THE HON. SRI C. SUBRAMANIAM :—"No, Sir."

SRI MOHAMED RAZA KHAN :—"Is the Minister aware of the report published in the Madras papers that the Finance Minister has given an undertaking that, pending general elections, no further taxation will be imposed in this State?"

THE HON. SRI C. SUBRAMANIAM :—"I did not say 'pending election'. My general view is that we have reached a limit of taxation. But, still, if we are compelled to make a little more effort for the purpose of fulfilling the plan, I am sure the people will not hesitate to bear that additional burden."

SRI T. PURUSHOTHAM :—"Is it proper on the part of the Hon. Minister to reveal the Budget secret that there will be additional taxation in the next Budget?"

THE HON. SRI C. SUBRAMANIAM :—"I never revealed any secret. I said 'We have been heavily taxed already'. I stated 'If necessary, the people will have to bear a little additional burden for the purpose of fulfilling the Plan'. I did not disclose anything else. But somebody gave some information and it was published."

SRI MOHAMED RAZA KHAN :—"Will the Hon. Finance Minister, having developed a sympathy for the public of Madras, keep up this sympathy and say that no further taxation will be imposed for another year?"

THE HON. SRI C. SUBRAMANIAM :—"Sir, not only I have developed sympathy now, but I always have sympathy for the people. It is because of the sympathy for the people and to give them all the amenities that we impose taxes. It is not merely for the purpose of harassing the people but it is for giving further amenities to them."

Kaveripauk anicut

* 348 Q.—SRI T. PURUSHOTHAM : Will the Hon. the Minister for Public Works be pleased to state—

(a) when the Kaveripauk anicut was originally built: and

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(b) what steps have been instituted to improve the tank and the anicut during the last ten years?

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—“(a) The Palar anicut which the hon. Member presumably means was constructed in 1854.

“(b) In 1950 some improvements were carried out to the anicut such as reopening of nine sand vents, fitting up of falling shutters on the crest near Kaveripakkam channel head sluice, etc. The silt clearance in the leading channel between the Fox, Mulai and the Lion sluices and in the bed of the Kaveripauk tank was done in 1952–53 and normal repairs and maintenance are being carried out whenever necessary.”

SRI T. PURUSHOTHAM :—“May I know, Sir, whether the anicut is fitted with electrically operated shutters and whether there is any proposal to install up-to-date equipment to mark the centenary of this old irrigation system?”

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—“I am not aware of the electrically operated shutters. I have also no information on hand about centenary which the hon. Member is referring to. But, Sir, the whole system is suffering because of want of water. I think it will be more than satisfying to us if we get water rather than celebrating the centenary without water.”

SRI T. PURUSHOTHAM :—“Has any estimate been drawn up to clear up the age-long accumulation of silt at the anicut? Will the silt clearance work be taken up at least now?”

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—“That is being done, Sir. Periodically, we are trying to clear the silt and keep the storage intact.”

SRI T. PURUSHOTHAM :—“Will the Government please call for an estimate from the Chief Engineer to provide up-to-date equipment to work this irrigation system and also to see that the silt is cleared up to mark the fact that for one hundred years the anicut has been there and the connecting channels are now getting silted up?”

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—“Sir, the silt clearance work in the leading channel between Fox, Lion and Mulai sluices and in the bed of Kaveripakkam tank was done in 1952–53, at a cost of Rs. 7,000. The Executive Engineer has also been instructed to carry out similar silt clearance between Lion and Fox and Mulai sluices to facilitate free draw off of water through these sluices. As regards the modern equipment. I shall have to consult the Chief Engineer.”

SRI T. PURUSHOTHAM :—“May I hope that the Hon. Minister for Public Works will make a personal inspection with the Chief Engineer? Because, the hon. Member from North Arcot,

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Sri Perumalswami Reddi, will bear witness to the fact that this tank and channel are getting silted up and require urgent attention."

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" I shall be glad to do so, Sir."

Improvement to the Buckingham canal

* 349 Q.—SRI T. PURUSHOTHAM: Will the Hon. the Minister for Public Works be pleased to state—

(a) what steps have been taken by Government to deepen and improve the Buckingham Canal; and

(b) whether the Government propose to introduce steam launch service in the Buckingham Canal from Madras to places of interest like Tiruporur, Mahabalipuram, etc.?

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" (a) Several schemes for deepening and widening the canal were considered in the past but were dropped as being too costly. A scheme for carrying out improvements to the North Buckingham Canal at an approximate cost of Rs. 20 lakhs has been recommended by this Government now for inclusion in the Second Five-Year Plan.

"(b) No, Sir."

SRI T. PURUSHOTHAM :—" Have the Government considered the possibility of developing the canal for the transport of passengers and also for the transport of goods and to work this up as a more efficient inland waterway in this region? "

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" Yes, Sir. That is only found to be very expensive. Various schemes such as widening the canal to 40' bed width and deepening it to the level of 14-00 for the portion 0/0 to 196-2 of North Buckingham Canal costing about Rs. 93 lakhs and two other schemes costing about Rs. 38 lakhs and 27 lakhs respectively, were considered before. These proposals were dropped due to lack of finance and due to their initial unremunerative nature. It was thought that as in the parallel roads running along this canal fast moving vehicles are available, people will not take to waterways—either passengers or even goods—and it was considered that it would be a dead loss."

SRI T. PURUSHOTHAM :—" In view of the costly scheme referred to by the Hon. Minister, may I know if the Government have got any scheme under consideration to revitalise the indigenous boat industry by investigating into the present condition of boatmen who have been in this trade all along and instituting needy measures of relief to the boatmen? "

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" I shall have the suggestion considered."

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SRI T. PURUSHOTHAM :—“ With reference to the answer given to clause (b) of the question, may I know whether the Government have received any proposal from the Regional Tourist Advisory Committee and will the Government consider the feasibility of introducing pleasure boats between Madras and Mahabalipuram for week-end service at least as an experiment and as an attraction to tourists and others? ”

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—“ I have no information about any representations having been made by the Tourist Advisory Committee or anybody for the matter of that about pleasure cruising which the hon. Member has been mentioning. ”

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SRI MOHAMED RAZA KHAN :—“ Is the Hon. Minister aware that areas abutting the Buckingham Canal in the City of Madras are in the dirtiest condition possible? ”

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—“ The other day I answered a question about clearing the foul odour, etc. I do not know what steps the Corporation is now taking. ”

SRI MOHAMED RAZA KHAN :—“ Since for carrying out improvements the question of finance comes in the way, may I appeal to the Hon. Minister to close the Buckingham Canal once for all? ” (Laughter.)

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—“ I am afraid it may not be possible. We will try to remove the foul odour and other things. ”

SRI A. GAJAPATHY NAYAGAR :—“ May I know where this Buckingham Canal begins and where it ends? ”

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—“ I have no knowledge about it. But I know that we have got about 100 miles of this Buckingham Canal running in the residuary Madras State. ”

SRI V. CHAKKARAI CHETTY :—“ May I know when the Corporation of Madras has suggested the deepening of this canal? I know this question came up for consideration when I was a member of the Corporation some 15 years ago. Is that request still pending with the Government? ”

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—“ That has been going on. They have been pouring out water. That is a different scheme. But, as I answered a question the other day, this question, viz., removing the foul odour emanating from the canal, is engaging the attention of both the Corporation of Madras and the Government now and more tangible results might be seen in a short period. ”

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Application forms for obtaining liquor permits

* 350 Q.—SRI T. PURUSHOTHAM: Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(a) whether the Government have considered the question of simplification of the application forms for obtaining liquor permits, especially in the case of tourists; and

(b) if so, what orders have been passed in the matter?

THE HON. SRI B. PARAMESWARAN:—“(a) & (b) The answer is in the negative.

SRI T. PURUSHOTHAM:—“May I know whether the Central Government authority, viz., the Regional Tourist Officer was consulted in this matter and what proposals she had submitted for adopting a simplified system of liquor permits for tourists?”

THE HON. SRI B. PARAMESWARAN:—“No representation has been made to Government. The present system seems to be more agreeable and it is not cumbersome.”

SRI K. BALASUBRAMANYA AYYAR:—“Are the Government aware that those who welcome these tourists become anti-prohibitionist in their company.”

THE HON. SRI B. PARAMESWARAN:—“I do not think so.”

II.—MESSAGE FROM THE ASSEMBLY.

MR. CHAIRMAN:—“I have to announce to the House that I have received the following message, dated the 22nd August 1955 from the Deputy Speaker, Madras Legislative Assembly:—

‘In accordance with Rule 114 of the Madras Assembly Rules, I transmit a copy of the Pudukottai (Settlement of Inams) Bill, 1955 (L.A. Bill No. 25 of 1955) as passed by the Legislative Assembly on the twenty-second day of August 1955 and signed by me for the concurrence of the Council.’”

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

III.—STATEMENT UNDER RULE 41 (1) OF THE LEGISLATIVE COUNCIL RULES.

* SRI T. PURUSHOTHAM:—“Under rule 41 (1) of the Legislative Council Rules, I wish to call the attention of the Hon. Minister for Local Administration to the election notice of the Commissioner, Corporation of Madras, as the Returning Officer in the matter of election of members to the Madras Corporation Council. In the list of valid nominations published yesterday, against the name of each person is mentioned the community to which he belongs viz. Mudaliar, Adi-Dravida, Non-Brahmin, etc.”

THE HON. SRI S. S. RAMASWAMI PADAYATCHI:—“I have not been served with the notice of this motion.”

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* SRI T. PURUSHOTHAM :—“ I thought it would have reached the Hon. Minister. It has been circulated yesterday. That is what I was told.”

MR. CHAIRMAN :—“ I am told it has been sent to the Hon. Minister. Perhaps it has not yet reached him.”

* SRI T. PURUSHOTHAM :—“ I have no objection if the Hon. Minister could give an answer or make his statement tomorrow. I only wanted to bring it to the notice of the Hon. Minister. If . . .”

MR. CHAIRMAN :—“ As the Hon. Minister is not able to give his answer, we will take up this question tomorrow.”

IV.—GOVERNMENT BILLS.

(1) THE POLICE (MADRAS AMENDMENT) BILL, 1955 (L.A. BILL NO. 14 OF 1955)—*cont.*

* THE HON. SRI C. SUBRAMANIAM :—“ I had the technical point raised by Sri K. Balasubramanya Ayyar yesterday, thoroughly examined and I am advised by the Law Officers that these is nothing wrong in undertaking this amendment. There is a difference between the law coming into operation in a particular area and the law being made applicable to a certain area. We may pass an Act and it may come into effect later on at a particular date. It may be passed either by the Central Legislature or the State Legislature. It does not matter whether the Central or the State Legislature passes that Act. When we have to change any provision of that enactment, it is not as if we cannot bring an amendment to that original Act, since only a portion of the same has been made applicable to this State, when it was originally passed. If any portion of a law is applicable to an area over which the Legislature of a State has got jurisdiction, then the Legislature of that State has got the power and it is open to that Legislature to amend that Act, if it so chooses. We have got precedents for that. We have two precedents, which I can straightway mention. The Madras Ways and Means Act, 1948, which did not come into operation at that year but which came into effect later on, was amended by Act XIX of 1950 (Madras Act XXXVI of 1951) which amended sections 1 and 20 (a) which did not come into operation and inserted new sections 5 (a) and 14 (a). The Child Marriage Restraint Act which came into force on 1st April 1930 was amended earlier on 16th March 1930. Therefore the only question now before us is whether this Bill is one on which we are competent to legislate. As far as the Police Act is concerned, hon. Members may be aware that jurisdiction is given to the State to deal with matters pertaining to police and therefore even though the Act had been passed at that time by the Central Legislature, by adaptation and after the Constitution came into force, all these Acts have been deemed to be Acts passed by the State Legislature, which has

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the power to legislate on that subject under the Constitution. Therefore even though the Police Act had been passed by the Central Legislature, it should be deemed after the Constitution came into force to be an enactment passed by our Legislature, which has the power to legislate on it. So whatever might have been the scope of the enactment in the beginning, after the Constitution came into force, by an Article in the Constitution those enactments have been made applicable to the States in the respective spheres. That being so I am advised by my Law Officers that there is absolutely nothing wrong in this amendment, being made to the existing Act. As I have already said, if we pass this amendment, we would have made the Act self-contained. Therefore, for the reasons I have explained, I wish we proceed with the Bill, as it is worded at present. It does not require any change."

SRI K. BALASUBRAMANYA AYYAR :—"I am sorry I cannot fully agree with the Mover of the Bill. There are two points to be noted. One is that there is the Central Police Act, 1861, which was not made applicable to Madras because there was already the Act (Act XIV of 1859) passed with reference to Madras. Therefore the Central Police Act of 1861 was not applied to Madras. But afterwards, the Madras Government by a notification in the year 1898 made this Central Act applicable to this State, and it was in respect of only certain sections, as those provisions were not found in the Police Act of 1859. Therefore, it cannot be said that there was no Act previously and that before it came into operation this was done. Because there was our Act, the Central Government did not apply the whole of their Act to Madras; they only applied some of the sections and the precedents quoted are quite different. Therefore, there was a Police Act running through. What I want to say is that this is irregular. A section which is not in force here cannot be amended by us. I do not question the validity or the capacity of the Madras Legislature to pass any measure affecting the Police. No, I do not say so. But Government purport to amend the Act of 1861, portions of which alone have been made applicable to the Madras State. They then take up another section and try to amend it. The procedure is irregular and such irregularities should not be repeated. I am not anxious to oppose this Bill. But I want, as I myself mentioned clearly, that the legislative provisions should be regular. Government could have brought in a general Bill or they could have amended the Police Act of 1859."

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* THE HON. SRI C. SUBRAMANIAM :—"Sir, I am still unable to agree with the hon. Member. I have consulted the Law Officers and I should prefer to follow their advice. There is nothing wrong in our procedure. As far as this subject is concerned, it falls under List II, that is exclusively the State List. Even though it might be an enactment by the Central Legislature originally, now by adaptation, it has become an enactment relating to the provincial sphere and therefore it must be deemed to have been passed by a State Legislature which is competent

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to legislate on this subject. Therefore, this is an enactment which is applicable to the States as such and therefore the State Legislature has got the jurisdiction to amend this enactment. So, the only other question is, whether for the purpose of amending a section, is it necessary that it should have become operative in that area. I have cited instances where amendments to particular sections were already undertaken. The legislative aspect has been fully examined and therefore let us proceed on the basis that this is quite a valid measure which we are adopting."

* SRI V. GURUNANDAN ROW :—" Sir, as far as this Bill is concerned, I do not think that the procedure adopted is objectionable. I do not think it objectionable, because there have been cases where the Criminal Procedure Code which was passed by the Central Legislature has been amended by Madras Acts. The question to be considered is whether the subject-matter of the legislation is in the concurrent list or in the State list. If it is in the State list, there is no basis for a Central legislation; but if it is in the concurrent list, both the Centre and the State can pass laws in respect of that subject-matter. There have been several State Acts amending Central Acts and they have not been challenged in any Court. It may be an unhappy way of doing things. I therefore do not think that there is any objection to the procedure followed. In fact that matter has come up before Courts and they have held that it is not unconstitutional.

" Then, Sir, I would like to take this opportunity to say something about the amendments proposed. Because, I always find that the Government are very quick in placing more and more restrictions upon fundamental rights. The fundamental right involved in this amendment is the right of freedom of meetings, processions and assemblies. That is the fundamental right involved and the most important democratic rights are freedom of speech, freedom of association and freedom of assembly. The Government are very quick in trying to impose more and more restrictions on these rights. I am not saying that it is not necessary, but I am only surprised at the quickness with which legislation comes for restriction of fundamental rights. The Government do not think that there is any duty cast upon them to see that the people are given facilities to have more and more meetings, but they come forward to put only restriction on whatever rights the people have. They have not done anything to promote more meetings. As far as this clause is concerned it refers to the political right of the people. Have Government done anything to see that the public halls are placed at the disposal of the people to hold meetings and take out processions where it does not involve any breach of the peace? What I am saying is that there has been no legislation at all for the purpose of facilitating the exercise of fundamental rights by the people. After all it is a political party that is ruling and that political party should really be interested in safeguarding the political rights of the people. It is certainly their duty to see that some legislation is passed to

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see that at least public halls are made available free to everybody to hold meetings. That will be only in accordance with the directive principles of State policy. Therefore, I only take this opportunity to appeal to the Government that it is not sufficient if they go on putting restrictions, but they should do something to see that people are given real facilities for the exercise of important political and democratic rights."

SRI M. P. GOVINDA MENON :—" Mr. Chairman, Sir, I support this Bill. On the constitutional difficulty pointed out by my hon. Friend, Sri Balasubramaniam Ayyar, I also had some doubt yesterday. But when I thought over it, I saw there was no real constitutional difficulty. As the Hon. Finance Minister put it, the Police Department is a State affair. The 1861 Act has been passed by the Centre and is on the Statute Book and that has not been taken away by the Constitution. We have adapted it as it is practically an Act by which we can administer the Police Department. So, for the necessary changes we can amend the sections of that Act. In addition this is a question of controlling meetings in thoroughfares and public places that come under section 30. Section 30 was made applicable to the State by a notification. Now we seek to amend the definition by clause 2 and in that respect we are entitled to do that and we are competent to pass this amendment.

" Sir, on merits, I have my own difference of opinion, my own quarrels with the party in power. But I do believe that whoever is in power, whichever party is in power, that party, that Government must have some power to regulate and control processions, meetings and other things. Because, in the name of democracy, in the name of freedom, in the name of personal rights etc., we cannot allow the people to degenerate into mobocracy; it may lead to quarrels and breaches of the peace. Therefore, whoever is in power must have some power of controlling and regulating assemblages, processions and other things in public places. By the definition, we want to extend 'public places' to include thoroughfares and public maidans. There is no harm in that. If the Government go astray and use that power to repress the people, the people can take action against the Government. But essentially, the Government must have such powers to maintain law and order so that there can be peace in the country. I support this Bill."

* SRI A. M. ALLAPICHAJ :—" Mr. Chairman, Sir, it is not so very easy to say anything definitely about this matter because we know that if democracy has to function well in this country, people must be given larger opportunities of giving expression to their views. I do really realise the difficulties in the way. No doubt, on certain occasions, there may be some quarrel or some breach of peace here and there and it is the imperative duty of the Government to put down such a breach of the peace. But if in the name of breach of peace we entrust the whole power in the hands of the police to grant licences to whomsoever they liked,

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I am afraid it will create a lot of difficulty. I know as a public man that it is nowadays very difficult to organise meetings. Even to organise meetings which have to be addressed by very important persons is very difficult nowadays because somebody has to go to the police station or to the Police Commissioner and make an application and so on and wait there. We have to examine that aspect of the question also. Perhaps, we, the Members of the Legislative Council, may not realize the difficulties of others. Chiefly the Members of the Legislative Assembly and the Members of Local Bodies have to go about in the midst of the people and talk to them. Do you think that the licence is granted within a minute as soon as we go and ask them to grant the licence? Three or four days before the meeting we have to make an application to the Commissioner of Police or to any other Police officer empowered under the rules. Sometimes he takes his own time. Sometimes he refuses to grant permission with or without any reason. What I wish to submit is this. Sir, the Congress Government are ruling the country. The Congress Party is very much interested in the development of democracy in the country and we do not believe in the rule of one Party in our country. We wish to see that in our country there are more political organisations so that the future Government of this country may be a very stable one and is really a good Government. Whatever it may be, whether it is the Communist Party or the Socialist Party or any other Party, the application has to be made three days in advance of the meeting. It is very difficult, Sir. The Government may in course of time realise the difficulties. We have to wait for three days and even then we do not know whether we will get the licence or not. Suppose there is no restriction like that and as the Hon. Minister has put it, suppose two parties want to have their meetings in one particular place, then it will lead to many difficulties. But these difficulties must be got over in some other way, not by giving such vast powers to the police. That is what I am afraid of.

“On previous occasions on the floor of this House, I have pointed out that our people do not know how to put a mark in the ballot paper. We have given adult franchise to such people. Is it not the duty of the Legislators and others to see that our people are educated? How can our people get educated if we have to go to the police every now and then and wait there for getting their permission? No doubt, the Assembly has passed this Bill, but we have to bear in mind these matters. Even for Congressmen it is very difficult to get permission. I know it personally. I speak from personal knowledge.”

SRI M. P. GOVINDA MENON :—“Does the Deputy Chairman want any preferential treatment for Congress men?”

* SRI A. M. ALLAPICHAH :—“Sir, I am making my point more emphatic. The Congress is the ruling Party. If there is difficulty in the case of the ruling Party, it will be much more so in the case of the other parties. I do not want any preferential

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treatment at the hands of anybody. The Congress Party does not require any preferential treatment. No doubt, the Government might have experienced difficulties and they may have a very good case. But that is not enough. In our country, we do not have big public halls where our people can hold their meetings by paying Rs. 5 or Rs. 10. Our cities and districts are not small places. Suppose we want to address people at Mylapore or at some other place. How can we do it? We must have it somewhere in the street. Where else can we have it, I ask."

THE HON. SRI C. SUBRAMANIAM :—" Sir, I am sorry I have to interrupt the Deputy Chairman. We are not now considering the City Police Act. This is completely a different thing altogether. I thought he would just mention his points and pass on, but he seems to think that this Bill deals with getting permission for holding meeting, etc. If the hon. Member has gone through the Bill, he will find that it does not deal with such cases. That is regulated by the City Police Act. This is a little bit different. No doubt, the difficulties pointed out by him are there. Perhaps he is under the impression that the present Bill deals with them."

* SRI A. M. ALLAPICHAJ :—" Sir, I am sorry. Anyhow, what I have said applies to the City. Let not any difficulty be created for others also."

* SRI A. GAJAPATHY NAYAGAR :—" Mr. Chairman, Sir, we are always used to speak about the man in the street. I ask now 'Where is the man in the street?'. He has been elbowed out. There is no place for the man in the street to go, so that he could be at ease and talk to friends. Now, the only places open to him are public places like parks, etc. In towns, every vested interest has got its own hall. Unless we pay a fat rent of Rs. 275 as in the case of the Annamalai Manram or Rs. 50 as in the case of the Gokhale Hall we cannot get a place. Therefore, let not the Government—calling themselves a democratic Government—interfere with these public places and allow an alien agency, even though the Police are our own men, to interfere and meddle in these matters. Let public places be free places where all free people can go and freely talk or act. Let there be no restriction. My point of view is whether we have got to proceed from the general to the particular or from the particular to the general. In the name of a particular remedy, do not take away a general right. That is why I plead that public places may be kept public and not allowed to come under the domain of the Police."

* SRI T. PURUSHOTHAM :—" Mr. Chairman, Sir, I wish to support this Bill. I listened very carefully to the speeches of the hon. Member Sri Gajapathy Nayagar and others. I wish to put forth only one point of view. These public parks have been formed as civic amenities out of public funds in the City and other Municipal areas. Certainly it is atrocious that the serenity and the peace for which we go to these parks should be disturbed by

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public meetings; processions, etc. It is on this ground that I strongly object to any public meetings and processions being conducted there, to whichever party such demonstrations may belong. We go there for recreation and the serenity, and the place should not be spoiled by such processions and meetings. Therefore, I welcome this measure."

SRI MOHAMED RAZA KHAN :—" Even now I have not made up my mind as to whether I should give full support to the Minister. A very warm support—rather unusual—has been given by my hon. Friend Sri M. P. Govinda Menon to this Bill. Some extraneous points have been raised by the Deputy Chairman Sri A. M. Allapichai. After hearing the speech of the Hon. the Minister for Law regarding the constitutional position, we see that the scope of the Bill is limited. As a result of the judgment of the High Court, what is sought to be done new is to include public places within the purview of the Bill. But I do feel that Members are within their rights if they can digress a little. In a discussion in this House some latitude is always given, which I am sure will be given now also. Of course, I am really at one with the Deputy Chairman on his thesis on fundamental rights. But I do say—not that I like to support the party in power—that there has been not many complaints as far as the City of Madras is concerned. Formerly during war time or even earlier, in order to have proper control over meetings, permission was necessary from the Police department, because it was likely that a particular meeting suddenly arranged without the formal permission led to some trouble and a breach of the peace. If the Police are informed a day or two earlier, necessary precautions will be taken and invariably in 99.9 per cent of cases, law and order will be maintained. Similar is the case with processions. I think very recently there was a decision of the High Court which gave the ruling that permission for taking out a procession was not necessary, although before that in the City of Madras no procession could be taken out without the formal permission of the Police authorities. Invariably the Police will intervene. They will decide the various routes through which the procession should go if they feel that there is a likelihood of a breach of the peace. That apart, as far as I can see, a certain amount of control is necessary. I do not think there will be any violation of the fundamental rights if we go to the Police officers and get their permission. But I am sure that, to satisfy my friend on the left, Sri A. Gajapathy Nayagar, and also Sri Gurunandan Row, the Government of Madras will do well to instruct the Police department that no application for permission to hold a public meeting or for taking out a procession should be refused unless they have got valid grounds. In case the Police refuse permission I think the law provides for an appeal to the Government. This has happened in some cases. There is one difficulty here. The hon. Member Sri T. Purushotham raised a very good point saying that parks were intended for recreation in the evening and therefore parks could not be a resort for public

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meetings. If only there were vacant places in the various parts of the City of Madras, where people could assemble and have their meetings, surely nobody would go and disturb the peaceful time which our friend Sri T. Purushotham would be having in any of the parks in the City. There are practical difficulties. No vacant places are available. No big halls are available. Rajaji Hall is not available for public meetings. The Annamalai Hall is only for music, etc. Again the location of these halls may not be suitable for people in the extreme south or extreme north of Madras. Therefore, for lack of vacant places, in the City of Madras (really it is to the disadvantage of Madras), meetings cannot be held. Many of the meetings of the parties cannot be held. This much should be said. In the last general elections it was stated that ample facilities would be provided to arrange meetings in as short a time as possible. But now they say that municipal elections are coming and many of the parks in the City are places where meetings might be held. There must be a permanent order that no public meeting either for the purpose of elections or for other reasons should be held in the streets. I think they have restricted it by the refusal of licence to use loudspeakers. Of course, for the temporary period of elections, the Minister for Law will allow exemptions and allow the meetings to be held in the streets, particularly in areas where there are no vacant places, provided they do not affect the public there. I think it would be a good thing if the Minister for Law were to go into the matter and allow public meetings to be held in certain streets, for purposes of municipal elections, on behalf of the various candidates, if there are no vacant places in those areas. While supporting the Bill, I should say that no one should have the feeling or fear that a meeting was unnecessarily banned for political reasons. No procession should be banned unless and until it is sure that that procession would lead to a breach of the peace requiring the intervention of the Police. While supporting the Government, I may say that though there may be one or two cases here and there, in the generality of cases there has been no attempt on the part of the Government and the Police to ban a meeting or a procession. If there has been any such general ban, I am sure the Government will issue necessary instructions to the Police Department to see that there is no cause for complaint."

* SRI G. KRISHNAMOORTHY :—" Sir, the scope of the Bill is to enlarge the definition of ' public place ' so as to regulate the assembly in public places like maidans and parks. We are contemplating an amendment to Section 31 of the Act, and from the amended form that has been given to this House for approval, it is found that the word ' ghats ' has been left out in the amended form. Mr. Chairman, ' ghat ' is popularly known as a place where people bathe. It is a flight of steps built on the banks of a stream or a river. We find ' ghats ' not only on the banks of rivers adjoining towns"

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MR. CHAIRMAN :—" Is the hon. Member talking on the amendment? "

* SRI G. KRISHNAMOORTHY :—" I am speaking on the Bill, Sir. We find ' ghats ' not only on the banks or rivers adjoining towns but also in rural parts. Now the definition of ' public place ' says—

" the words ' public place ' shall mean a place (including a road, street or way, whether a thoroughfare or not, and a landing place) to which the public are granted access or have a right to resort, or over which they have a right to pass."

It may be argued that ' ghat ' is one such place and falls easily within the definition of ' public place ' in the Amendment Bill. But I know of a particular instance (and there is also the likelihood of many more instances arising like that) where ghats built out of charitable funds or out of funds raised by the public and built in the name of a particular officer who was predominant in that place at that time or in the name of a particular person who helped the major construction, are claimed to be ghats belonging to a particular group of people."

* THE HON. SRI C. SUBRAMANIAM :—" We cannot consider all these here."

* SRI G. KRISHNAMOORTHY :—" What I say is that the omission of the word ' ghats ' is not proper. It should be there. There is no harm in our being redundant in law. Ghats can easily find a place in the definition of public place. But the omission of that word is not good in the interests of what is going on in the State. That is what I say. It is better to be clear that every ghat, whether it is built out of charitable funds or whether it is built after the name of a particular person is to be a public place. Every ghat is to be a public place. No particular group of people can claim it to be their own, and the Police have got the right of just regulating the assembly in that particular ghat on a religious occasion or on an occasion when people assemble in large numbers. So, I do not know exactly why the Government have left that word ' ghats ' in amending Section 31. I would request the Government to go into the matter and just approve of the inclusion of the word ' ghats ' there so as to see that the public are made to know before hand that every ghat whether built out of a particular man's fund or out of public funds or whether named after a particular individual is a public place to which all the members of the public have a right to resort and where the Police have the right to regulate."

4 p.m. * THE HON. SRI C. SUBRAMANIAM :—" Sir, with reference to the suggestion made by the hon. Member who spoke last that ' ghats ' should also be included in the definition, whether built by private individuals for his own private use or built by anybody else, I am sorry to say that the fundamental requirement of a ' public place ' is a place over which the public is granted access

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or has a right of resort to or over which they have a right to pass. That is the fundamental requirement to call it a 'public place'. Simply because you use the term, ghat, a thoroughfare or a landing place, it will not become a 'public place', if, as a matter of fact, people have not got a right of access to that place. Therefore, it does not improve matters by simply using the word 'ghats'. Now, the definition is wide enough to include any place. It may be a ghat or it may not be a ghat. But, if it is a place where the public are granted access to or have a right to resort to or over which they have a right to pass (whatever be its description) then it will be a 'public place'. This will be the criterion. Still, if it is a place, even if it is a road or a street, if it is a private street or road, merely because 'street' is mentioned here, it does not become a 'public place'. Therefore, the necessary requirement to call a place a 'public place' should be there. In those places what we are now contemplating is, regulation of assemblies and regulation of processions. Mr. Guranandan Row has been arguing that we are attempting to restrict the fundamental rights. I submit, Sir, that we are making provision for the proper exercise of fundamental rights. After all, in a park or in any public place when an assembly has to be held or a public meeting has to be held, it has got to be regulated because, the entire public have a right of access to it. A particular group alone cannot have an assembly there and carry on a meeting and make it a nuisance to those who are likely to go to that park or to that public place because everybody has a right of access to that particular place. For the purpose of safeguarding the fundamental rights of the other citizens, if a group of persons want to have a meeting in a public place, certainly it has got to be regulated in any event. That is what is contemplated and nothing more. After all, roads are intended for the purpose of walking for all persons. You cannot carry on a procession and block the street. I have known processions, thousands marching along and all the cars having to wait for hours together. They will say that in these days of democracy, passengers should have the preference and they will block the entire traffic for even half an hour or 45 minutes. I have myself undergone that trial, Sir. So, all these things will have to be properly regulated. I do not object to these processions.

"Then, apart from that, in these days with political parties opposed to each other, we should also see that there is no conflict between one party and another. Particularly, during election time, processions are quite common. One procession should not come into clash with the other and therefore it has to be necessarily watched and regulated. The hon. Member will see that Section 30 embodying the amendment runs as follows:—

'The District Superintendent or Assistant District Superintendent of Police may, on occasion requires, direct the conduct of all assemblies and processions in public places and prescribe the routes by which, and the times at which, such processions may pass.'

This is a general case where for every procession or every assembly, a permit or a licence is required. This is because whenever

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occasion arises the Police authorities have to intervene for the purpose of regulating the procession or the assembly. That is one thing. Then, the proposed Section 30, Clause 2 says that where there is likely to be a breach of the peace because of the assemblies and processions held in a public place. The Magistrate of the district or of the subdivision of a district, may require by general or special notice that the persons convening such assembly or directing or promoting such procession shall apply for a licence. This is a general order which a Magistrate is empowered and not the Police authorities. Where there is likely to be a breach of the peace and such an order is passed, it becomes necessary to have a licence. If such a general order is not in force, such a permit is not necessary.

“ And the other thing is with reference to the festival occasions when music may be used in the streets. We all know how easily it becomes a source of trouble particularly when music is played before a Mosque. So, it has got to be regulated at least with reference to the hour of worship. That is why under sub-clause (4) that power is taken.

“ Under Section 31, it is the duty of the Police to keep order in public places and to prevent obstructions on the occasion of assemblies and processions in public places, that is, for the purpose of seeing that the assemblies are conducted properly and processions go through peacefully. Section 34 is also consequential. Therefore, I would respectfully submit that this is not a case where the Government are attempting to restrict the fundamental rights of the citizens. On the other hand, every right has got a corresponding obligation and unless that obligation is observed it will be impossible to exercise the right. Therefore, this is a very essential measure for the purpose of seeing that citizens are properly protected in the exercise of their fundamental rights, particularly in public places.”

MR. CHAIRMAN :—“ The question is—

‘ That the Police (Madras Amendment) Bill, 1955 (L.A. Bill No. 14 of 1955), as passed by the Assembly, be taken into consideration.’ ”

The motion was carried and the Bill was taken into consideration.

Clause 2.

MR. CHAIRMAN :—“ Motion moved—

‘ That clause 2 do stand part of the Bill ’.”

SRI K. BALASUBRAMANYA AYYAR :—“ Sir, I move the amendment standing in my name, namely :—

‘ In sub-clause (a), after the words “ thoroughfare or not ” and before the word “ and ” insert the word “ ghats ”.’

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"Sir, the matter was referred to in a way by Mr. G. Krishnamoorthi. But, my point is slightly different. In the existing section 31 it is stated that it shall be the duty of the police to keep order on the public roads and in the public streets, thoroughfares, ghats and landing places and at all other places of public resort. But, in the section embodying the amendment, only the words 'in public places' have been used. While drafting the definition 'public place', they say for the sake of caution any public place includes a road, street or way, whether a thoroughfare or not and a landing place also. Therefore, I thought besides the words 'public streets, thoroughfares and landing places' they have now mentioned 'public places' as mentioned in the definition clause. If we omit the word 'ghat', it will lead to some misconception because it may be argued that we have specially removed this and in the High Court there may be a decree and again there may be arguments and all that. To avoid all that, I wish that the words 'public place' should cover 'ghats' if the public have got a right of access to that place. I am not introducing any new word. That has been mentioned already in the existing Act. When the drafting took place about 'public place', they have mentioned all these words, 'thoroughfares, landing places, etc.' So, there need not be any deliberate omission of it."

SRI G. KRISHNAMOORTHY :—"I second the amendment, Sir."

MR. CHAIRMAN :—"Amendment moved—

'In sub-clause (a), after the words "thoroughfare or not" and before the word "and" insert the word "ghats".'

* THE HON. SRI C. SUBRAMANIAM :—"Sir, I can very well understand if a layman misunderstands that simply because the word 'ghats' has not been included there, it may not come under the definition 'public place'. But, judges, I am sure, will look into the general definition of public place which is given as 'a place to which the public are granted access or have a right to resort or over which they have a right to pass'. This will be the test for the purpose of finding out whether it is a 'public place' or not. So, under these circumstances, I do not think there is any necessity to include that word. I am, as a matter of fact, even for leaving the words 'including a road, street or way and a landing place'. But, they have put it there."

The amendment was by leave of the House withdrawn.

Clause 2 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

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THE HON. SRI C. SUBRAMANIAM :—“ Sir, I move—

‘ That the Police (Madras Amendment) Bill, 1955 (L.A. Bill No. 14 of 1955), as passed by the Assembly, be passed.’ ”

MR. CHAIRMAN :—“ The question is—

‘ That the Police (Madras Amendment) Bill, 1955 (L.A. Bill No. 14 of 1955), as passed by the Assembly, be passed.’ ”

The motion was carried and the Bill was passed.

(2) THE MADRAS BUILDINGS (LEASE AND RENT CONTROL)
AMENDMENT ^a BILL, 1955 (L.A. BILL NO. 21 OF 1955).

* THE HON. SRI SHANMUGA RAJESWARA SETHUPATHI :—“ Sir, I move—

‘ That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1955 (L.A. Bill No. 21 of 1955) as passed by the Assembly be taken into consideration.’

“ In moving this Bill I wish to say that this is a very simple measure seeking extension of the life of the Act for a further period of two years. The formation of the Andhra State and the consequent shifting of the Andhra High Court and some other offices from the Madras City have not given appreciable relief in regard to the accommodation position in the City of Madras. In the mufassal towns also, the position has not improved and there is still strong room for the continuance of the Act in all areas to which it is now applicable. The Government also propose to take power to withdraw the application of the Act from any municipal town where the need for control seems, in the opinion of Government, to be not necessary, from any future date. At the same time, I wish to assure the House that the Act will not be continued for a moment longer than the necessary period. With these words I request the House to accept the Bill.”

MR. CHAIRMAN :—“ Motion moved—

‘ That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1955 (L.A. Bill No. 21 of 1955) as passed by the Assembly be taken into consideration.’ ”

* SRI G. KRISHNAMOORTHY :—“ I beg to oppose this Bill with all the vehemence that I can command. This is quite an unwanted Bill. Shelter or provision of a house is one of the three main necessities of life, viz., food, clothing and shelter. We have had controls on food, clothing and many other things. Thanks to the efforts of our revered Rajaji, controls on food were removed. We knew how difficult it was to get rice and clothes in those days, when control was in force. We know how easily food and clothing are available now. When control in respect of food and clothing have been removed, I do not know why control in respect of the

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third necessity of life, viz., shelter, is still allowed to continue. I can understand the control on housing being continued in a big metropolis like the City of Madras. But I do not know why 168 panchayats and 41 municipalities and more—all municipalities—should come under the present Bill. Is it not proper on the part of the Government to just go a little deeper into the problem and analyse the circumstances under which this control has become necessary? It might have come as a war-time measure. As an emergency measure it might have come. But what is the need to continue this control in municipal towns and panchayat areas even now? Is it not a fact that people in the villages flock to cities and because of the depopulation of the villages, the problem of housing has become acute in the cities? When that is the case, the remedy to solve the problem of housing shortage in the cities, lies in putting a stop to this depopulation of villages by creation of more amenities in villages, and not by continuing this control. We are just on the eve of the Second Five-Year Plan. Therefore, will it not be proper just before embarking on our Second Five-Year Plan to create amenities in villages and to remove this control?

“ We find that man of late is being curbed on many sides. Some 20 or 30 years before, even from my own experience, I could say that we were able to live as free citizens. But nowadays an ordinary citizen finds it difficult to go on with his daily activities. All sorts of checks are placed in his way. For almost everything he has to fill in a form and at times has to go to a police station or some Government office. He is thus fettered. The less we are governed the better it is for us and the Government. There should be no check on the daily normal activities of a citizen. This Bill amounts to regulating the accommodation available. I say such a kind of control will dampen the enthusiasm of moneyed people to build more houses. The moneyed man knows that if he were to invest his money to construct houses when there is control, that will not fetch him any decent return, for it is the Government that will step in to say how, when and for how much money that house could be rented. Therefore by this Bill, the enthusiasm of the moneyed people to construct more houses would be dampened. If the Government really want to ease the housing shortage, they must make villages attractive and also help the private sector to launch on a building programme for the Government servants, rather than continue this control, which is not at all desirable. I plead that man should be allowed to act freely and there should not be any control regarding provision of shelter. If the contention of Government is that their officers and staff have no sufficient accommodation in the City of Madras, then they must embark on a programme of building houses for the Government servants. That would be the proper approach. I also want to know whether there is necessity at all to continue this control in the mufassal towns and more especially in Panchayat areas. Government should take measures to arrest the depopulation of villages and the consequent flocking of villagers to little towns, big towns and

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cities, by providing more amenities in the villages. That would be the correct approach and it would go a long way in easing the housing shortage in towns and cities. With these observations, I oppose the Bill."

* SRI A. GAJAPATHY NAYAGAR :—" I am rather surprised at the speech made by my friend, Sri G. Krishnamoorthi. I was the Rent Control appeal authority in Madras for some time. I knew the difficulties which one experiences in getting decent accommodation in the City of Madras. I had to wait for six months to get a house. I was living as a tenant in a far-off place, even though I was the controlling authority. Even now it is very difficult to find accommodation in this dirty Madras City, as one Judge had put it."

THE HON. SRI C. SUBRAMANIAM :—" Who is the Judge who had said so? "

SRI A. GAJAPATHY NAYAGAR :—" Justice Mack."

THE HON. SRI C. SUBRAMANIAM :—" I am not surprised then."

SRI A. GAJAPATHY NAYAGAR :—" So many officers are living in houses which are no better than ratholes and the house-owners are trying to make capital out of the situation, by increasing the rent abnormally, which no one could pay. Therefore this Bill is a good measure. It would bring relief to thousands of tenants. I think this extension of the Act till 30th September 1957 is a very good one and in my view, it ought to be there. With these words I support the Bill."

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p.m.

DR. A. LAKSHMANASWAMI MUDALIYAR :—" Mr. Chairman, Sir, this particular measure has been adopted time after time by the Government. I must say that every time the Government came forward with the idea of extending the Act, they said that that would be the last extension. But now once again the Hon. Minister in charge has come forward with the idea of extending the life of the Act for two years and extending it not only to the City of Madras but to Municipalities and Panchayats.

" Now, Sir, I should like to answer my hon. Friend in my rear who waxed eloquent on the non-availability of quarters for Government servants. Who is responsible for the debacle? If only Government had realised their responsibility and constructed quarters for their officers wherever necessary, this question would have never arisen. While they are insisting on industrialists, mill-owners and various other agencies to build quarters for their workmen, when it comes to their own, they are remiss in the performance of their duty (Hear, hear). This is not the first time that I am drawing the attention of the Government, but I have asked them time and again, 'What is the building programme that you have got for your officers and, for others who are in Government service in your lower establishment'. But nothing has been

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done. If the Government had taken up this matter and even now if the Government take up this matter seriously, the position will not be so bad. The whole of this difficulty is due to the remissness on the part of the Government in not constructing quarters where necessary.

“ Sir, I am not surprised at the statement of the hon. Member (Sri Gajapathy Nayagar) that even though he was in the list of the House Rent Controller, he did not get a suitable place. I will tell you, Sir, the reasons. The Government servants have a knack of choosing what they want, and rejecting that they do not want this and they do not want that. We poor fellows have to resort to anything. I was having official quarters when I was in Government service. When I became a non-official by virtue of my present position, my house had already been taken away by the Government of India, forcibly of course, and they had it converted into the Accountant-General's office without any permission on my part and dug it up in such a way that it would take six months to repair it (Laughter) to get even a decent portion to live in. That is how the Government treat others. If it is a question of their own quarters, that is a different matter.

“ I should like to ask this question. Will the Hon. Minister be pleased to say, ‘ What is the extra establishment that will be required for this purpose? ’; ‘ What is the cost to the State in maintaining an army of officers on House Rent Control in the municipalities and various other parts of the State? ’

“ I can tell you, Sir, that the non-availability of suitable houses cannot be due to the House Rent Controller himself. The main difficulties experienced by owners is indeed very great. When persons who have the means to get into touch with these officers through correspondence (because they have clerks and other agencies to help them), find it so difficult to get just treatment, we can imagine what would be the position with regard to poor house owners who live on that income: it is not possible for them to write a single letter, much less to go and see this august personage, the House Rent Controller. It is not always so easy for them to do that. Gods could be worshipped more easily than some of our Government Officers (Cheers). Therefore, I feel that if Government want to extend this Act, they must lay before the House under what circumstances they came to the conclusion that it was necessary to extend the life of this Act by two years, under what circumstances it was necessary to extend this to all these municipalities and panchayat areas; if the Government are extending it to all those areas, has there been an estimate of the establishment necessary to give effect to the provisions of this Act; and if there has been such an estimate, what is the cost to the State by virtue of this Act? I venture to think that this is not a measure that is required now in the present circumstances. Because half a dozen persons could not get houses immediately and also the houses they wanted,

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they should not fancy that they should have this Act, and it does not mean that the State should be put to the increased expenditure on account of extension of the Act. I request the Hon. Minister to go into this question and enlighten us. I request him to see that although power may be given under the Act to extend it to municipalities, etc., that power may be used very sparingly and not because the Collector or the Sub-Collector has not proper quarters.

"I can say one thing that has struck me. We of the present age always want luxurious quarters and officials are not behind us. Many of them from the Central Government get no doubt very exorbitant house rent allowances and nobody wants to have a small house. In the old days, that is 50 or 60 years ago, the highest paid persons preferred to live in small sheds, but we will not do so to-day. Now the craze is for air-conditioned houses in Delhi; air-conditioned offices in Delhi and all these are immediately sanctioned, because nobody worries about who pays it and who has to bear all the taxes. Nobody worries about the tax-payer, if it suits the hierarchy of officialdom. I do want the Government to realize that this is not a question of the owners obstructing, but it is essentially a question of the citizens, of the taxpayer demanding 'What is the proper thing to do under the circumstances?'

"Therefore, I request the Hon. Minister to enlighten us, firstly, whether they have any housing programme for Government servants, and if so, can we ascertain what it is; secondly, have they made out statistical data with regard to the number of persons without houses in those municipalities; and thirdly, have they computed the cost of establishment, the nature of establishment and the size of the establishment which will be required for this purpose. I shall be grateful if the Hon. Minister would kindly enlighten us on these."

SRI A. M. ALLAPICHAJ :—"Mr. Chairman, Sir, as usual, it is very difficult to speak after the hon. Leader of the Opposition has spoken (A voice : Why should you speak at all?) Mr. Chairman, the hon. Member, Sri Krishnamurthi, said that the Government had given up control with regard to rice and cloth. Of course, there is no rice control or cloth control. All honour to the several Governments, State Governments and the Central Government. They have done their best in that direction; they have controlled the waters and as a result of their endeavours our country is now producing enough rice. This is also applicable to the production of cotton and things like that. But I should say that the minds of either the Central Government or the State Governments, particularly our State Government, have not been applied to the construction of houses for those that have to live in such houses. Because Mr. Krishnamurthi is coming from the mufassal, he does not realise the difficulties of the people who live in Cities. The situation is very unsatisfactory and when once the control is removed, I know hundreds and

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thousands of people would be thrown out of their houses and there will be actually a kind of agitation against the Government."

SRI MOHAMED RAZA KHAN :—" Why not they take a chance? "

SRI A. M. ALLAPICHAJ :—" Therefore, I thank the Government for bringing in this Bill and I support this Bill, because I feel that the Government are moving in the right direction. If they take away this control, many people would be thrown out of their houses. It was correctly observed that there were not sufficient houses.

" What happens is this : Man is so very greedy that he wants to exploit the difficulties of others. Suppose there is no control, what will happen is this : A house may now fetch a reasonable rent of Rs. 25 or Rs. 30. There are not enough houses for all the persons wanting houses. So, the moment control is lifted, the house owner will surely demand for that house Rs. 100 or so, for he would try to exploit the difficulties of others. Of course, there is the interest of the landlord also to be taken into account. But what I feel is that the rent that he is getting under the control is a very reasonable rent and while fixing the fair rent, what he pays by way of tax to the Corporation, etc., is taken into account. Therefore, I think there is no difficulty whatsoever as far as the landlord is concerned. Once the control is taken away, I am positively sure that thousands of people would be thrown out of their living places. Of course, some of our hon. Members may be owners of houses, one or two or many houses. But in the City of Madras where the population is 14 lakhs, only a few thousand people will possess their own houses and all the others have to live as tenants only. Therefore, it is but fair that we should take into account the interests of the vast majority of the people who have to live in rented houses; for, of the 14 lakhs that live in the City, how many possess buildings of their own? Only a few thousands and they own all the houses and all the houses are not sufficient for the entire population. So all the available houses are to be distributed in a just manner. Sir, what I wish to say is this. Whenever the Government feel that this control is not necessary in any particular place, they want to take the power to say so. When they feel that it is not necessary in any particular place, they may, by making some kind of declaration, say that the Act will not apply to that place. That will be rather vesting too much power in the hands of the Government. Even then it will be somewhat difficult. When the Government want to make a declaration that this Act would not apply to a particular place, they will have to investigate into the matter and come to a definite conclusion. Only after an exhaustive investigation into the conditions of the people affected in the particular area, the Government will have to come to some definite conclusion with

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reference to that particular area. Are we not introducing agrarian reforms and taking away something that belongs to the landlord? The interests of the people must be supreme and must be uppermost in the minds of the Government. No doubt, when there is a conflict between two interests, the interests of the majority have to be taken into account to a certain extent. The minority will have to put up with some little difficulty. That is what I wish to say. Why should the Government limit the time by saying that it will extend only to two years? That is all I have to say."

SRI K. BALASUBRAMANYA AYYAR :—" Sir, I want to make a few observations. I respectfully agree with some of the important observations made by the Hon. the Leader of the Opposition and I do not want to repeat them. But there are two things to be taken into consideration in these matters. My Friend the Deputy Chairman said that all people will be thrown in the streets. It is the same boggy that was raised so far as the food problem was concerned, namely, that all the people will go without any food. But now we find that there is surplus food. So much as Rs. 45 crores have been wasted by the Central Government. It is all a false impression."

* SRI A. M. ALLAPICHAH :—" Sir, hundreds of dams have been constructed at the expense of crores and crores of rupees and that is how the food position has improved."

SRI K. BALASUBRAMANYA AYYAR :—" Sir, in spite of the Deputy Chairman's interruption, I shall have my say. It is a wrong statement or an illusion to say that as soon as control is removed, thousands of people will be affected. I shall not use the word 'landlord' because it is a very unpopular word nowadays. I know that many owners of houses build houses for poor people. It is a good investment. All selfish interest requires that more houses should be built for the poor people. The owners of houses are also interested in letting out their houses. But the important point to be examined is this. We go on building houses in nooke and corners of Madras City and a large number of buildings have sprung up. All the people from the villages are coming to the City. No control is exercised so far as that is concerned. The depopulation of the villages has to be considered and this control measure has to be examined from a different point of view. Should not the whole population be distributed in various places? We are talking of the Second Five-Year Plan and say that a large number of industries have to be located in our State. So we should also take the future into consideration. We should not be going on merely extending the life of the Act without taking into consideration all these matters. The Act has been working for the last six years and the Government have some experience. They could very well make some amendments so far as the Act is concerned. That is why my hon. Friend has

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given notice of an amendment. We have got some experience of the working of the Act. If we bring in some necessary amendments to the Act, that would ease the situation.

“Another important matter which I would like to mention is that all controls lead to evasions and commission of offences. That was the experience gained by the working of all controls and that is why Mahatma Gandhiji said ‘If you introduce controls, they will only lead to evasions and commission of offences. These controls will demoralize the people and therefore do not have any control’. Now, let us see what is happening. There are various ways of getting rent from the people. A sum of Rs. 5,000 or Rs. 10,000 is already collected and the rent of the building is put at a low figure, just like promissory notes which are taken for amounts paid far below that mentioned in the pro-note. So many things are taking place. You cannot make people moral by legislations and controls. No doubt, higher rates of rent will be prevailing in some places. In Bombay and Calcutta, where there are controls, Rs. 5,000 or Rs. 10,000 is taken from the people in the name of “pugree”. Special words are being coined for this purpose. The rent put on the records will be very low. Many things are taking place on account of these controls. Therefore, the Government should seriously consider whether they should extend the life of this Act for a further period, without taking all these things into consideration.”

SRI MOHAMED RAZA KHAN :—“Mr. Chairman, Sir, as the Deputy Chairman feels it difficult to talk after the hon. the Leader of the Opposition, so also I feel it difficult to talk after the Deputy Chairman. (Laughter). Where he should oppose a measure, he supports it and where he should support, he opposes. That is by the way. There are two aspects to be considered. I was in the Select Committee when the Bill was originally introduced in 1946 and then again in 1949 when Mr. Sanjeeva Reddi, the then Minister in charge, brought in certain amendments. I am sure that by now the Hon. the Minister in charge will be convinced that a very good case has been made out by the Hon. the Leader of the Opposition, ably supported by Sri K. Balasubramanya Ayyar. In fact, it has been said times without number that whenever the Government want to extend the life of an Act, the Minister concerned should make out a case and place all the relevant facts before the House: ‘Well, we have studied the whole matter. The present position is this. The Act has been working in such a way. There is demand from hundreds of people for accommodation. Therefore, the Government are really forced to take a particular decision’. Excepting a very bald statement containing a few lines, the Minister for Public Works has not given us sufficient material on which we can decide the issue.

“The first aspect of the question is “Whom are we going to help by this legislation which is being extended year after year?” All the houses the rent for which is Rs. 25 and less do not come

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under the purview of this Act. If you talk in the name of the poor people, in the name of the lower middle class people for whom the Deputy Chairman feels so much, I feel that they can get the houses automatically. By this legislation you are trying to help a class of Government servants. Under the Act, they alone can get houses above a rent of Rs. 25. As far as these people are concerned, they cannot have the luxury of getting houses at higher rents. I understand that in the City of Madras it is very easy to get houses on a rent of Rs. 100. I ask the concerned Minister to let me know how many houses have been reported to the authorities as having become vacant and how many were allotted. Even in the matter of allotment, there is some sort of discrimination. If a good house has fallen vacant and the rent is fair, naturally there will be hundreds of applicants. But only one individual may get the house. There will therefore be some heart burning. That individual manages to get the house with some influence. Therefore, Sir, I feel that the time has come for the Government to withdraw this Act and say 'Let us leave things to themselves; no further extension of the Act is necessary'. Sri Allapichai asked, 'What is going to happen'. Nothing will happen, Sir. I can assure him that people will adjust themselves. If people are required to pay a higher rent of Rs. 75 or Rs. 100 by landlords, they will not pay and will not take up those buildings. Then the demand will become less and less. Ultimately things have a way of adjusting themselves. I know the Hon. Minister will be aware that officials never take up vacant houses in certain localities. After the stipulated time lapses, the owners are informed that they might let out their houses to anybody they liked. People are not so foolish as to pay rents of Rs. 100 and Rs. 75 and rush in for those houses, especially in these days when there is acute shortage of money. Therefore I am sure the landlord will be forced to reduce his rent, though originally he might have demanded Rs. 100. This is one aspect.

“ The other aspect is control of rent on the basis of the rent prevailing in 1939-40. May I ask the Deputy Chairman, who feels so much for the poor, whether he knows there are poor landlords in the City of Madras and there are also poor widows owning houses whose earnings are only from the rent of these houses? These poor widows get some Rs. 20 or Rs. 25 from these houses. The taxes of the Corporation have increased, but these owners are not able to increase their house rents. These poor owners are unable to get even six months' rent after paying the Corporation taxes. It is all because of this Act. Apart from the fact referred to by the Hon. the Leader of the Opposition, I must say that the Government have not provided houses for their own employees. This question has been referred to not for the first time here. In the last Council, in the last Assembly and in the present Assembly, for the last so many years people have referred to the fact that the Government have not provided houses for their own servants. On the one hand the Government refuse to tackle the problem. The

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Government do not have any scheme of house construction for their employees. It is the responsibility of the Government to provide housing accommodation for their servants. There is no point in having this Act for contingencies. My hon. Friend Mr. K. Balasubramanya Ayyar stated that the moment the control was lifted nothing serious would happen. Most of the people do not have houses, but still they will live in Madras. At the time of food decontrol it was said that there would be famine and difficulties if controls were removed. Nothing actually happened. So I can assure the Hon. Minister for Public works and I can also assure the Deputy Chairman Sri Allapichai that nothing will happen if the Act is repealed. If really things are so bad, nothing prevents the Government from coming forward and saying, 'On account of your advice, particularly the Opposition, we have taken this step of decontrol; Now things seem to be different' and asking again for powers to control accommodation. Then nobody will grudge giving the power to Government. If the Act is going to expire immediately, I know it will be difficult for him not to extend it. The minimum which he could do is this. He could say, 'I want extension only for six months. Let me examine the whole case. Let me examine the material facts placed before the House. If you are satisfied that there is a case for the continuance of the Act, I will extend it. Otherwise I will be the happiest man to withdraw it'. That should be the way in which the Minister for Public Works should deal with this question."

* SRI T. PURUSHOTHAM :—" Mr. Chairman, Sir, the Hon. Minister in introducing this Bill has clearly pointed out that there is still shortage of accommodation—residential and non-residential. (Interruption) and hence the justification for the extension of this Act. He has also assured us that though the Act is being extended up to 30th September 1957, the Government would repeal the measure if there is some improvement in the matter of accommodation. I should like to suggest to the Hon. Minister, Sir, whatever may be the justification for controlling residential accommodation, there is no case for controlling non-residential buildings. I mention this especially because some of these non-residential buildings belong to temples and charitable institutions. So it is I plead for the consideration of the Hon. Minister that exemption should be granted from the provisions of this Act to all buildings belonging to temples and charitable institutions. Temples and charitable institutions depend on these buildings for their maintenance. Their case requires sympathetic consideration, and I am sure we need not have any apprehension that this concession might be misused or that house owners would come forward to claim exemption on the plea that these houses are for temples or for charitable purposes. If they do so, I think we should welcome it, because under that plea, we would be helping these charitable institutions if some donation at least is given by such owners by coming forward with that plea and helping charitable institutions and temples.

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“ It has been stated that there is no need to control houses bearing higher rentals. There I agree with the hon. Member Sri Raza Khan. But I believe this Bill is not only for Government servants. The underlying principle is to afford protection to middle class people. There is every justification for having such a measure as far as the middle classes are concerned. I believe the Government could consider exempting houses with rentals over Rs. 200 or so. The Government may review this matter in the light of the several suggestions thrown here during the discussion on this Bill. The Hon. the Leader of the Opposition told us about air-conditioned houses, etc., enjoyed by the Government officers in New Delhi. Of course he will agree with me that the Government officers in Madras State do not have any air-conditioned houses. He has himself said how he was put out of a house when he became a non-official after having been a Government officer for a number of years. That is the position of Government officers. The Government officers in this State, not being in such an enviable position as those in Delhi, require some protection, and in the case of all middle class people some protection is necessary. I would therefore plead that there is need for a measure of this kind on the Statute Book. But I am entirely in agreement with what has fallen from the Hon. the Leader of the Opposition that there is a costly establishment to work this Act. I had occasion to refer to it in my budget speech. I even said that as far as Madras City was concerned, the Collector of Madras might be made the Accommodation Controller, and that there was no need for a separate officer of the I.A.S. cadre to be in charge of this department. Now several municipalities are I believe excluded from the provisions of this Act, and there is not much work. Perhaps the Act will be extended to a few more municipalities under the proposed legislation. (Interruption.) Anyway, the Hon. Minister should examine the feasibility of effecting necessary retrenchment. I am sure that the suggestion of the Hon. the Leader of the Opposition will be borne in mind that we should provide houses for the Government officers in this State.

“ Pending provision of such houses for the use of Government Officers, there is need to protect them in getting houses and so there is justification for a measure of the kind. As I said, the Hon. Minister should consider all these aspects and with the hope that he will do so and review the position, I support this Bill.”

4-50 P.m. * SRIMATHI R. S. SUBBALAKSHMI :—“ Sir, I welcome and support this Bill. But, I want the lower class poor people should also be helped more. In the low-lying places, especially in the Mambalam side, there are many huts, small huts, 8 feet $\times$ 10 feet where the tenants have to pay a rent of Rs. 10 and Rs. 15. I know that Government have no control over huts that fetch fifteen rupees and below. I think the Rent Control Act should be applied even in the case of huts where the rent is below Rs. 15. It will help all

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the poor people to a very large extent. So far as rent control is concerned, not only the tenants but house-owners also have difficulties. I know from my personal experience that in one of our houses for nearly ten years, three tenants are residing. One by one, these tenants leave the place and we have no control over the allotment of the places for tenants that we want. For about two or three years, all the three tenants did not pay the electricity charges, and so the electric connexion was cut off and an accumulated amount of nearly Rs. 90 or Rs. 95 we were asked to pay—the house-owner. Why should we pay? We were not informed of it at all earlier and now one of the tenants, an Andhra, has been transferred from Madras and he had vacated his place. Even before, he was never paying rent regularly and now for 3½ months, March, April, May and about half the month of June, he has not paid rent. I have written a number of letters to the Accommodation Controller about this. Only yesterday I wrote reminder No. 6 to the Accommodation Controller. But, no reply at all has been received from him. As far as I know, I think that no action has been taken by him to recover the rent from that tenant. So, I feel this Bill is quite all right. But, I think it should be carried out more efficiently and more promptly in all ways. I quite welcome the Bill. But, I want that not only the poor people should be protected but also the well-to-do house-owners should also be helped by the Rent Controller."

SRI M. P. GOVINDA MENON :—" Somehow, Sir, I am in the unhappy position today because I feel myself inclined to support this Bill. In spite of the eloquent speech of the Hon. the Leader of the Opposition, I feel convinced that such a Bill is necessary today. I think there is a feeling among the people who inhabit major panchayats and municipalities that this Act should be extended for some time more. As far as this Act is concerned, it is a mistake to say that this is intended to protect the Government servants. It is an Act not only to protect the Government servants but also other classes of people who have houses of their own, and so we need not look at this measure as one intended entirely and solely for the protection of Government servants.

" Another question raised was about the expenditure incurred in administering the Act. I do not know what takes place in the City of Madras but in the mofussil, the Revenue Divisional Officer is the man who is put in charge of the work. There is no additional expenditure whatever. Of course, there will be the clerical and other establishment in the Revenue Divisional Officer's office.

" I submit, Sir, that extension of this Act for all villages with power to the Government to withdraw control from the different areas is absolutely essential. There is no harm in it. I heartily support the Bill."

DR. A. SREENIVASAN :—" Sir, I have to oppose this Bill. Now, the Hon. Minister in charge of the Bill said that there was great necessity for extending the present period of this Rent Control

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Act. He has not given us any details about the necessities that prompted the Government to come forward with a Bill for the extension of the Act for another two years. I had gone into the question of overcrowding in the City of Madras. In my own humble way, I feel that many people who have no business to be in Madras are here because the position in villages has become absolutely precarious on account of the antics of the politicians. Life is insecure, property is insecure and everything about human beings is insecure in the villages due to the antics of the politicians. That is the reason why we, people who have got a little money, come away to municipal areas like Madras because there is considerable security of property and person in these areas.

“Regarding the control itself, human nature being what it is, the more control you try to exercise, the ingenuity of the man will be more to flout it. He will try to circumvent it. It is within the knowledge of everybody. You know how beautifully certain vakils and others circumvent the whole Rent Control Act. There is always a court to pull up and in these circumstances, Sir, I move that it is absolutely unnecessary to extend this Act for another period of two years.”

* THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI:—“Mr. Chairman, Sir, I have been carefully following the trend of the discussion in the House. I am surprised that the Hon. the Leader of the Opposition should have indulged in such a way as he had done and that he should be supported by Sri G. Krishnamoorthi and Sri Balasubramanya Ayyar. I am afraid the hon. Members have not listened to the speeches made on the floor of the Assembly. I will not bring in that matter here. But, still I would like to say that the feeling expressed in that House was to perpetuate this Act as this difficulty could not be got over in a very reasonable time. In fact, the Opposition considered an amendment to delete the number of years—two years’ time—as they thought that these conditions will continue for a very, very long time. The Hon. the Leader of the Opposition made out that the whole thing was due to the failure of the Government in not having constructed houses and so on. Well, that may be so to some extent. But, the actual principles governing the Act have not been looked at properly because it is not only accommodation control; it contains rent control and eviction control also. Accommodation control alone might be a factor which is applicable to Government servants who have not been provided with quarters. But what about rent control? What about eviction control? All these controls are involved under this Act. It is on those grounds that the people in the lower income group wanted the continuance of this Act. There are so many thousands and thousands of people who would be thrown out, once we do not extend the life of the Act. Actually on certain representations I thought that some kind of decontrol could be there, and I attempted to leave out certain

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municipalities from the operation of the Act, based on certain data. But actually in the lower House it was vehemently opposed and they have actually said that in all those places there would be chaos, once those places are removed from the operation of the Act. The opposition was so much that I had to recall the schedule and restore the *status quo ante*. I am sure hon. Members of this House would have followed the discussion that was going on in the lower House when this Bill came up for consideration. If they had followed the discussion they would have understood the vehement opposition voiced forth in respect of the schedule, which was originally in the Bill. Due to that vehement opposition, we had to withdraw the schedule. If only Sri G. Krishnamoorthi had the occasion to face such an opposition, that would have been a fitting answer to what he had said here, viz., that he would oppose the Bill with all the vehemence that he could command. All the hon. Members, who had opposed this measure and who had asked me to substantiate the reasons for the continuance of this measure, have not themselves substantiated anything in favour of the discontinuance of this Bill. They have not suggested anything in favour of decontrol. What do they mean when they say that there should be decontrol? The Hon. Leader of the Opposition was saying that it was at the instance of half a dozen officers that we are trying to pass this measure, Might I say that it is only at the instance of half a dozen landlords, who are big magnates and who are trying to get usurious rent and blackmarket rent, that the hon. Member is trying to obstruct this measure? It is because of the rack-renting of those people, that the tenants clamour for the continuance of this Act. It is at the expense of the tenants that the house-owners can talk. Otherwise they are in a hopeless minority. Nowadays the trend is to fix a ceiling on income and nationalise everything as Sri Balasubramanya Ayyar has said. Why should people be going on getting blackmarket rate of rent? Why not allow the tenants to live? There are so many poor people who are tenants and who are protected by this Act. Even Srimathi Subbalakshmi has said that there should be some protection for the lower income group, viz., for those who pay rent below Rs. 25 per mensem. There we have only the rent control and eviction control. Accommodation control is not there. We do not take those portions fetching a rent of Rs. 25 and below and put them in the list and allot them for any official or anybody.

“After Government house building programme, I would like to give the following figures. It is only now that the Government of India have sanctioned a scheme for constructing quarters for the Police. Under the Second Five-Year Plan, we have a building programme for the low-paid staff in the City and some municipal towns. The Government have also under consideration a scheme of industrial housing and also for subsidising buildings through co-operative societies. All these steps are being taken now. I wish to point out to hon. Members that in so many fields we are trying to rebuild our country. We have been hopelessly left behind after the

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advent of foreign rule. We are just on our legs. There are so many things which have top priority over building programme. Hon. Members should remember that. That is the position. We are trying to build quarters for Government servants also. Meanwhile we have got to safeguard the interests of tenants, who are living in the houses owned by private landlords.

“Of course it is easily said that many people from the villages have invaded the cities. But who can exercise control over them and bring them back to the villages? The hon. Member has not pointed out any way to solve this problem.”

DR. A. SREENIVASAN :—“If it is not due to the antics of politicians, most of the people would have settled in the villages.”

* THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—“‘Antics’ is a very wide term. The hon. Member himself has not given any meaning for it. It has no relevancy here. The real fact is that once we remove control, most of the people in the villages would be in the streets. What about the people living here, in the City of Madras? The same would be the position. Statistics have been called for. I have not brought them here. If only the statistics are wanted, I would give them to justify my claim. An important civilian officer has gone into the question and we find that our population is growing at the rate of 5.5 per cent while the number of buildings is growing at the rate of 1.5 per cent. Thus we find the proportion between the increase in population and the number of houses is 3 : 1. Actually in 1941 in the City of Madras 900 and odd people were living in 100 and odd houses. The proportion is 9 : 1. In 1951, the proportion has risen to 13 : 1. The present position has not been ascertained. But I am sure the proportion should be still higher. That is the position now.

“I should like to tell hon. Members that with regard to ‘expenditure incurred’, it is Rs. 90,400 for the year 1955-56 so far as Madras City is concerned. In the districts there is no separate officer for rent or accommodation control and the officers of the Revenue and Judicial departments attend to these works. As against the expenditure on the staff, we get an appreciable amount by way of stamp duty on applications. That is the position with reference to expenditure also.

“Actually in the Assembly they wanted the operation of this Act for all time to come. They wanted me not to hold the power to withdraw from the operation of the Act any municipalities, in case the Government thought that in those municipalities there was no need to have this control. In the original Act, we had the power to withdraw from the operation of the Act any panchayats, in case we found it necessary. With reference to municipalities, we had no such power. I wanted that power for Government. Even for that there was much opposition. I had to explain to the House that I wanted that power, only in case it was found that

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the control was no longer necessary in any particular municipality and at the same time I had to assure the House that there would not be any need for the application of that power. I had to explain in such a detail before getting the approval of the House, for the proviso to Clause 2. The Members of this House are not more representative of the people than the Members of the Assembly who are very well conversant with the condition of the poorer classes. That being so, the Members of the Assembly vehemently pleaded for the continuance of this Act. I am definitely certain that this measure is a very essential one. We can call for a referendum, so to say, on this question. I am sure even then we would come out with a thumping majority because we represent the view of the masses."

DR. V. K. JOHN :—" Is the Hon. Minister a landlord? "

* THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" I am not a landlord. After the abolition of zamindaris, I am an ordinary man. I am not a capitalist, so to say. I would very soon join the ranks of somebody else. This is only for the information of the hon. Member, who intervened.

" Rather than talking on high rhetoric here and criticising the present Bill, I am trying to be a practical man. I am trying to be particularly alive to the real problem of how the poorer sections of our community want the continuance of this Act."

SRI MOHAMED RAZA KHAN :—" On a point of order, Sir. The Hon. Minister is within his right to explain the viewpoint of Government and to say that whatever might be the view of hon. Members of this House, the view of the Government is to continue the present Act. I have no objection to the Hon. Minister saying so. But the Hon. Minister, I feel, has absolutely no right or business to cast aspersions on any hon. Member of this House saying that any hon. Member of this House is not as much representative of the people as the Members of the Assembly are. Such kind of reflection is highly objectionable, Sir. The Hon. Minister should be careful in the choice of his words."

* THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" I was only paying a tribute to the high rhetoric used by the hon. Member. Can I not do so? Do you mean to say that I should not praise the fine rhetoric used here? Is it objectionable for me to have said that? The Members of the Assembly are also equally representatives of the people."

SRI MOHAMED RAZA KHAN :—" The words ' more representative ' were used by the Hon. Minister."

* THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" They move with the people much more."

SRI K. BALASUBRAMANYA AYYAR :—" I question that statement, Sir."

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SRI MOHAMED RAZA KHAN :—“ While admitting that Members of the Assembly are real representatives of the people, might I say that one-third of the Members of this House have been elected by the Members of the Assembly and as such we are also as much representatives of the people, as the Members of the Assembly are.”

MR. CHAIRMAN :—“ What is the statement made by the Hon. Minister? ”

* THE HON. SRI R. SHANMUGA REJESWARA SETHUPATHI :—“ It was on the question of the representative character of the other House. They are not less representative than the Members of this House because they move with all classes of people.”

MR. CHAIRMAN :—“ I do not think the Hon. Minister could say even that.”

* THE HON. SRI R. SHANMUGA REJESWARA SETHUPATHI :—“ Then I withdraw that.

5-10 P.m. “ Then, Sir, Mr. Purushottam said about the temples and charitable institutions and wanted that they should be exempted from the operation of this Act, as they have mainly to derive their income from these buildings. Well, I have only to point out that temples and charitable institutions have not been exempt from the Zamindari Act. Therefore, I say that it may not be possible to make exemptions of that kind.

“ Then Mr. Balasubramanya Ayyar mentioned that all these controls led to dishonesty and other things. Of course, there are evasions of taxes and on that ground it cannot be maintained that we should remove all taxation. Wherever there is a tax, there is a tax evasion also. So, it cannot be made a case for the withdrawal of the tax.

“ Most of the hon. Members characterised this control on a par with food control and other controls. There the commodity is procured and consumed, but here it is not so. This control is of a different character. This cannot be compared to food control and cloth control. Here nobody consumes the houses; only people want a place to live in paying fair rent and such houses should be made available within the reach of the poor sections of the people who are in need of shelter. Therefore, I do not agree with the arguments put forward.

“ For the above reasons, Sir, I still maintain that this Bill has to be pushed through.”

MR. CHAIRMAN :—“ The question is—

“ That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1955 (L.A. Bill No. 21 of 1955), as passed by the Assembly be taken into consideration.”

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The Motion was carried and the Bill was taken into consideration.

Clause 2.

MR. CHAIRMAN :—" Motion moved—

That Clause 2 do stand part of the Bill'."

SRI MOHAMED RAZA KHAN :—" Sir, I move the amendment standing in my name, namely :—

In clause (a), add the following as second proviso :

" Provided further that houses fetching a rent of Rs. 150 and above shall be exempted from the operation of the Act." " "

Dr. V. K. JOHN :—" I second the amendment, Sir."

MR. CHAIRMAN :—" Amendment moved—

In Clause (a), add the following as second proviso :

" Provided further that houses fetching a rent of Rs. 150 and above shall be exempted from the operation of the Act." " "

SRI MOHAMED RAZA KHAN :—" Sir, despite all the arguments put forward by the Hon. Minister, I am sorry to say that I have not been convinced of the causes which he has made out. He was saying that because the Assembly wanted that this Act"

MR. CHAIRMAN :—" Mr. Raza Khan will please speak on the amendment."

SRI MOHAMED RAZA KHAN :—" Yes, Sir. As stated by the Hon. Minister himself, he is trying to develop a socialistic ideology and so he wants to fight for the poor people who may be affected if the Act is repealed. I am not, as I have said, convinced about it. For, as far as accommodation control goes, only it benefits one class, the Government servants. Supposing a house falls vacant and if the rent is Rs. 25 or 30, it is allotted to them, if they like it. It does not help the other people and further the landlord is left with no choice. Another thing is that if the Act is withdrawn, there might be a sort of rackrenting. I have heard that a number of houses worth a rent of Rs. 150 and above are vacant in the City of Madras, especially in Gandhi Nagar area and there are no people to occupy them. There should be some reasons for this.

The house building programme for middle-classes has not progressed very much, rather appreciably; the various House Building Societies and even landlords have constructed only big houses fetching a rent of Rs. 150 or more. So, such of the people who want houses on Rs. 150 and more, should be free to take such houses if they like them. In the case of houses fetching smaller

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rents, it is different. Even there, if the house-owner is unscrupulous, he may demand more. In every walk of life there are honest people and unscrupulous people. Therefore, in view of what I have said, I think the minimum that the Government could do is to see that houses whose rent is higher may be exempted from the operation of the Act."

DR. V. K. JOHN :—" Mr. Chairman, Sir, I should say that this is a very sensible and thoughtful amendment. In these days of socialistic pattern of society which the Government want to introduce, no Government servant should occupy a house the rent of which is more than Rs. 150. Why should Government commandeer houses whose rent is Rs. 150 and more, for the Government servants, especially when in the near future a socialistic pattern of Society is to be established. Therefore, I would urge upon them to leave these houses alone. The wisest course to adopt in this case is not to control houses the rent of which is more than Rs. 150."

SRI A. GAJAPATHY NAYAGAR :—" Mr. Chairman, I hope the Chairman knows the old adage: 'Wise men build houses and fools occupy them or fools build houses and wise men live therein', something like that."

MR. CHAIRMAN :—" Which is correct? "

* SRI A. GAJAPATHY NAYAGAR :—" Whatever it is, I shall give an example. There is a house in Venkatesapuram colony and it is about 2' $\times$ 20' and it fetches a rent of Rs. 75; that is due to rent control. But it is only the Government servant who gets a house-rent allowance can pay a higher rent. Where persons are getting allowance from Government they have to pay 10 per cent of their pay. So if a Government servant gets Rs. 1,000 he has to pay Rs. 100. I was getting Rs. 1,200 and I had to pay a house rent of Rs. 120.

" I cannot understand why my hon. Friends say that no control is necessary. If Government wants to do something for the poor people, they should try to stop rackrenting and protect them from avaricious house-owners. I know these poor people live only in small rooms 15 $\times$ 10; I know graduates, who are lower division clerks in such houses—do not call them houses, they are only single-room tenements—paying a rent of Rs. 25 or so. Therefore, it is but reasonable that Government should come to protect these persons."

* THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" Sir, I oppose the amendment as no case has been made out to show that such houses should be exempted. It has not been proved that above a certain limit houses are not wanted. Even now we are exempting house-owners where their houses are not taken. But if we make the rule as wanted by the amendment, there will

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be further difficulties created. Supposing a house fetches Rs. 125 or Rs. 130; the house owner can put up the rent to Rs. 150 so that the house may not come under control. So, if we accept the amendment, the officials will not get any protection under this Act, because rent control ceases. So there is no point made out to have this amendment. As and when houses on high rents are not wanted, we are already releasing them to the land owners and as such I oppose the amendment, Sir."

SRI MOHAMED RAZA KHAN :—" Sir, except for the fact that the Government servant has to adopt the cumbersome process of applying to the Rent Controller and all that there is not much advantage. I do say so because I have got information to that effect. If possible, the Hon. Minister may have statistics collected. What is the number of houses reported to the Controller in the City of Madras and how many of them are above a monthly rent of Rs. 150? In the last year itself, about 1,000 houses have been reported fetching a rent of Rs. 150 or more; if he analyses, the Hon. Minister himself would find that hardly 40 or 50 houses were accepted by the various Government servants and the other houses, 950 or so, were asked to be occupied by others. The landlords were then told 'There is no demand for such houses and they are removed from the operation of the Act'. If that is so, I do not find any reason for continuing this measure and having a lengthy process. However, as the Hon. Minister has said that he is not going to accept my amendment, I am not withdrawing it."

5-20
p.m.

* THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" Sir, I oppose the amendment. I do not find any reason for accepting it."

MR. CHAIRMAN :—" The question is—

'In clause (a), add the following as second proviso :

Provided further that houses fetching a rent of Rs. 150 and above shall be exempted from the operation of the Act.' "

The amendment was lost.

Clause 2 was put and carried.

Clause 1 and the preamble were put and carried.

* THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" Sir, I move—

'That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1955 (L.A. Bill No. 21 of 1955) as passed by the Assembly be passed.' "

MR. CHAIRMAN :—" Motion moved—

'That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1955 (L.A. Bill No. 21 of 1955) as passed by the Assembly be passed.' "

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DR. V. K. JOHN :—" Sir, I want to intervene at this stage and say a word or two. Whenever control measures are introduced, I have always advocated that we must have a decontrol measure also. This control measure was introduced, if I remember aright in 1946, but I have never seen a decontrol measure at all. The Government could construct houses for their employees. I am sure it is a very good investment. They can charge interest at 4 per cent. But there has never been a regular and scientific attempt to construct houses year after year. If that has been done, the necessity for the houses which are now required by the Government servants under this control measure would cease by 1955. This Government have not done that. I would strongly advise the Government to have a decontrol measure and put it on the Statute book if necessary.

" The second thing I want to impress is this, namely that control and blackmarket always go together. If sufficient number of houses have not been built, I say that it is all due to this control measure. People, who can afford to construct houses, do not like to do so because the Government unnecessarily interfere and interfere beyond a measure which is acceptable to the people. The Government should realise that if there are not sufficient number of houses to-day, it is due to these control measures.. What is happening to-day? Suppose somebody wants to take up a house. The Government will fix some rent. Some premium is paid. It all demoralises the public. There are cases where large amounts are paid, without any record whatsoever, to get a house. The rent is actually more than what appears in the records and the Corporation loses by way of tax. Therefore, all these lead to black-marketing and demoralization of society. I would strongly advise the Government not to have these control measures at all, because in a free society there must be competition. Then only people would come forward to invest money and expect a proper return, say four per cent. Sufficient number of houses will be constructed for the people only if you remove these controls. I can understand the introduction of control measures during War time when people rushed into the Cities and there was not sufficient time or opportunity to build houses. But that control should have lasted only for one or two years. But here you want to go on with that control measure for the past nine years and you want to extend it by another two years. Not only that; you want to make this a permanent measure. I very strongly oppose all control measures. There must be a free field in all these matters. I do not, of course, say that tenants ought to be exploited. If anybody is exploited, it is only the tenants who pay less than Rs. 25 and the control measure does not apply to them. It is they who are rack-rented. You should fix a rent for the smaller buildings also.

" Therefore, I strongly advise the Government to get rid of all these control measures as early as possible and give a free field

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to persons who can invest money and build houses so that more houses can be built. It is the control that prevents them from building a large number of houses."

* THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" Sir, I have nothing further to add by way of any proposition to the hon. Member's suggestion. The Government do not want to have control beyond the time that is necessary. So long as the exigencies exist only, we want to have control. The Government themselves have got a programme now, as I have indicated here while the hon. Member was not here, of constructing houses for various sections of officers and low-paid Government servants. When that programme is executed during the Second Five-Year Plan, the position may get eased a bit. At such a time, the Government will not fail to bring in a decontrol measure if that is justified. I therefore move that the Bill be passed."

MR. CHAIRMAN :—" The question is—

'That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1955 (L.A. Bill No. 21 of 1955) as passed by the Assembly be passed.'"

The motion was carried and the Bill was passed.

SRI MOHAMED RAZA KHAN :—" I request the Chairman to kindly adjourn the House. We have already sat for two and a half hours."

MR CHAIRMAN :—" I now call upon the Hon. the Minister for Local Administration to move his Bill."

(3) THE MADRAS DISTRICT MUNICIPALITIES (AMENDMENT)
BILL, 1955 (L.A. BILL NO. 19 OF 1955).

* THE HON. SRI S. S. RAMASWAMI PADAYATCHI :—" Mr. Chairman, Sir, I move—

'That the Madras District Municipalities (Amendment) Bill, 1955, (L.A. Bill No. 19 of 1955), as passed by the Assembly, be taken into consideration.'

"Under the Madras District Municipalities Act, 1920, as it stands, Municipal Councils may levy property tax on agricultural lands either (1) on the basis of their letting value [under Section 81 (2) read with Section 82 (2) of the Madras District Municipalities Act] or (2) on the basis of land revenue under Section 81 (4). The levy of property tax on the basis of letting value results in an arbitrary assessment and is not as satisfactory as assessment on the basis of land revenue. This levy of the tax on the basis of land revenue will also be in line with the basis of assessment of the tax on such land in non-municipal areas. But there is a difficulty. The land revenue payable in respect of land is usually much lower

[Sri S. S. Ramaswami Padayatchi] [23rd August 1955]

than its annual letting value in Municipalities and so the rate of tax levied will have to be somewhat higher than the rate usually adopted for non-agricultural land or buildings based on letting value. But the adoption of different rates will be in conflict with the provisions of Section 84. It is therefore proposed to amend the Madras District Municipalities Act so as—

(1) to provide for the levy by Municipal Councils of property tax on agricultural lands in Municipalities on the basis of land revenue *only* and at a rate higher than that levied on buildings and other lands;

(2) to take power to prescribe by rules the maximum rate at which the property tax may be levied on agricultural lands in Municipalities.

The Bill gives effect to these proposals. I accordingly move that the Bill be taken into consideration.

MR. CHAIRMAN :—“ Motion moved—

‘ That the Madras District Municipalities (Amendment) Bill, 1955 (L.A. Bill No. 19 of 1955), as passed by the Assembly, be taken into consideration.’ ”

SRI K. BALASUBRAMANYA AYYAR :—“ Mr. Chairman, Sir, it is very difficult to understand the whole thing. The District Municipalities Act refers to Section 79 of the Local Boards Act. There are two or three categories under which this property tax is levied. One is buildings. The next is land appurtenant to or adjacent to buildings. The next one is land not exclusively for agricultural purposes. The last one is land exclusively for agricultural purposes. These are the things in municipal areas. A number of taxes are levied in municipalities, for example, lighting tax, property tax, etc. All these taxes are levied on lands exclusively used for agricultural purposes. The Government now want to argue that agricultural lands in municipal areas should bear land cess and education cess on a certain proportion. The tax paid by the land used for agricultural purposes in a municipal area may be less. Therefore the Government want to put it at a higher rate. I fail to see how this is just or equitable. The land in villages used for cultivation purposes may not pay so many taxes which owners of lands in municipal areas pay. There is no necessity to equate the taxes on lands in municipal areas with those in the villages. There is no necessity to equate the proportion between the lands in municipal areas and in villages. The Government want that owners of lands in municipal areas should also pay land cess and education cess. It is for that purpose that the Government want now to use the provision in Section 79 of the Local Boards Act, which says that the annual value of a land will be fixed according to the land revenue that is paid. The rate of any class of property tax on land when levied on the annual value may be lower than the rate of tax on buildings. But I think that rate shall be uniform throughout

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the municipal area. In these two classes there shall be uniform rates. But Section 84 of the Act makes a fundamental principle that the rate of property tax on the annual value of land may be lower than the rate of the same class of land used exclusively for agricultural purposes. The proportion of the tax that is fixed on the basis of land revenue may be lower. The Government in order to make the land tax much higher than even the tax on buildings have brought forward this Bill. The Government want to introduce a proviso that the proportion shall not exceed the maximum, if any, fixed by the State Government. It is stated in the statement of Objects and Reasons: 'But the land revenue payable in respect of land is usually much lower than its annual value and if the tax levied is to be approximately equal to the tax levied on similar lands in non-municipal areas, the percentage of tax will be higher than the percentage adopted for non-agricultural lands or buildings. Adoption of different rates will however be in conflict with the provisions of Section 84. It is therefore proposed to amend the Act.' They argue that it is necessary to have the land tax levied on lands in municipal areas in the same proportion as land cess and education cess levied on lands used for agricultural purposes in villages. That proportion will be higher than the building tax as Section 84 says. Therefore the Government want to take powers for the purpose of fixing the land tax to be levied on lands in municipal areas. They have stated it very clearly here, Sir. It is stated in the Statement of Objects and Reasons, '... If the tax levied is to be approximately equal to the tax levied on similar lands in municipal areas, the percentage of tax will be higher than the percentage adopted for non-agricultural lands or buildings.' Therefore the Government want to add a proviso to Section 81. I question the equitableness of adopting a standard by which lands used exclusively for agricultural purposes in municipal areas will have to pay even a higher proportion of tax than the tax on buildings. That is not right. In the proposed Section 2 it is stated,—

'(a) The municipal council shall in the case of lands used exclusively for agricultural purposes, levy these taxes at such proportions as it may fix. . . .'

"Therefore, it is the bounden duty of the municipal council now to levy the taxes in the proportion fixed by section 79 of the Madras Local Boards Act. The Act says that so far as lands used exclusively for agricultural purposes are concerned, the annual value shall be the land revenue. The further point that the Government want to emphasise by introducing this amendment is that that the proposed tax may be higher than even the tax on building. Therefore they want to take special power by inserting a proviso, namely, 'the proportion shall not exceed the maximum, if any, fixed by the State Government.' I would say that the Government should not take that power to increase the tax higher than the one on buildings. The lands used exclusively for agricultural purposes in municipal areas pay not only this land tax but also other taxes and so they cannot be equated with the lands in villages."

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* DR. V. K. JOHN :—“ Sir, I am not satisfied that there is any necessity for this amendment. The reasons given in the statement of Objects and Reasons are not convincing at all. I think there are two objects. One is to tax more. It is only the other day it was stated in the papers that the Ministers of this Government pleaded at the Centre that this Madras State was the most highly taxed State in India. The Government want to add a little more tax on people. The second object is to get control over taxes on lands in municipal areas. A proviso is sought to be added giving power to Government to fix the maximum. Why that power is taken by Government, I do not see at all. I do not see there is any need to introduce this Amendment Bill. We are having too many amendments to every Act. The one thing that we should have in mind is that these Acts are amended so many times. Is there any Act on the Statute Book which has not been amended by this Government many times? Even lawyers do not know what the provisions of an Act are because it is amended many times. We must not so easily amend the Acts. We must amend them only for absolutely good reasons. I do not think this amendment is called for. I have been wanting to ask for information whether municipal councils have been consulted in the matter. After all we are having a democratic Government. I do not see anything in the Statement of Objects and Reasons to show that municipalities have been consulted and that they welcome this amendment. I think it is the brain wave of somebody who read the Act and thought ‘Why not we collect some more money from the people? Why not the Government have some more control?’ ”

5.40
p.m.

* SRI G. KRISHNAMOORTHY :—“ I should like to have enlightenment from the Hon. Minister piloting the Bill on a few points. If this Bill is passed, I fear there is the possibility of the tax in respect of agricultural lands used exclusively for agricultural purposes within municipal limits being enhanced. If that is to be enhanced, will it be within the limits of the building property tax that is being levied by the municipality or will it be even over and above the limit of the taxes that are being levied by the municipality in respect of buildings? So far as my knowledge goes, in respect of agricultural lands in rural areas outside municipal limits the tax works at about 10 per cent of the rental value but house tax can be levied up to a percentage of 27 within municipal limits. If really the lands used exclusively for agricultural purposes are to pay 27 per cent of the rental value or even more, naturally there will be a tendency on the part of these landlords to convert them into house-sites. Some years before there was a ban on conversion of wet lands into house-sites. Now it has been removed and already wet lands are being converted into house-sites. If this Bill is to become an Act, naturally the tendency of these landlords will be to convert the lands used exclusively for

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agricultural purposes within municipal limits into house-sites. Then, are we doing the right thing? I should like to have enlightenment from the Hon. Minister."

* SRI T. PURUSHOTHAM :—“ Mr. Chairman, Sir, I should like to point out to the House that this is not a piece of additional taxation measure. I may claim to know something of the municipal rules because hon. members may be aware that I have been a Municipal Commissioner myself. I should like to point out that at present there is no uniform procedure followed in the adoption of the rate of assessment on agricultural lands in municipal areas. So, what the present Bill purports to do is to fix a uniform method of assessment on all agricultural lands in municipal areas and bring such assessment in line with the assessment of such lands under the Madras District Boards Act. That is all what this Bill purports to do and this is a fair measure. I therefore support this Bill and commend it for the acceptance of the House.”

* THE HON. SRI S. S. RAMASWAMI PADAYATCHI :—“ கனம் பேர்மன் அவர்களே, இந்த திருத்த மசோதா கொண்டுவந்த நோக்கத்தை நான் இப்பொழுது விளக்குகிறேன். தற்பொழுது நகரசபைகளில் மக்கள் விவசாய நிலங்களுக்கு அதிகமான வரியைக் கொடுக்கிறார்கள். இப்பொழுது இருக்கின்ற மதராஸ் ஜில்லா முனிசிபாலிட்டிகளின் சட்டத்தின் 81 (2) ஷரத்தின் கீழ் நகரசபைகள் வீடுகளுக்கும் நிலங்களுக்கும் வரிகளை விதிக்கலாமென்று கூறப்பட்டிருக்கிறது. வருமானத்தின் அடிப்படையில் வரியை விதிக்கலாமென்று கண்டிருக்கிறது. செக்ஷன் 81(4)-ன் கீழ் விவசாய நிலங்களுக்கு நிலத்தீர்வையின்பேரில் வரி விதிக்கலாமென்று சொல்லப்பட்டிருக்கிறது. ஆகவே நகர சபைகள் பலமுறைகளை கையாள்கின்றன. சில நகரசபைகள் செக்ஷன் 81 (2)-ன் கீழ் வருஷாந்திர வருமானத்தின் அடிப்படையில் வரியை விதிக்கின்றன. மற்றும் சில நகரசபைகள் விவசாய நிலங்களுக்கும் அதே அடிப்படையில் வரி விதிக்கின்றார்கள். சில நகர சபைகளுக்கு வெளியிலுள்ள நிலங்களுக்கு இப்போது land cess ரூபாய்க்கு 2 அணுவாகவும் education cess ரூபாய்க்கு 3 அணுவாகவும், ஆக ரூபாய்க்கு 5 அணுவாக இருக்கிறது. அதே சமயத்தில் நகர சபை எஸ்திபல்குள்ளிருக்கும் நிலங்களுக்கு செக்ஷன் 81 (2)-ன் கீழ் அதிகமான வரியைக் கொடுக்கவேண்டியிருக்கிறது. உதாரணமாக நகர சபைக்குள்ளிருக்கும் ஒரு ஏக்கர் நிலத்தின் வருமானம் 100 ரூபாயாக இருந்தால் அதன் அடிப்படையில் நிர்ணயிக்கப்பட்ட விகிதாசாரப்படி அதாவது 10% அல்லது 20% விகிதாசாரப்படி அல்லது 10 ரூபாய், 20 ரூபாய் அந்த நிலத்திற்கு தீர்வையாகக் கொடுக்கப்படுகிறது. ஆகவே, இந்த மசோதா நிலத்தின்மீது விதிக்கப்படும் வரியை அதிகப்படுத்துவதன் நோக்கத்தோடு கொண்டுவரப்படவில்லை என்பதைத் தெரிவித்துக்கொள்ளுகிறேன். விவசாயிகளுக்கு உதவுவதற்காகவே இந்தத் திருத்த மசோதா கொண்டுவரப்பட்டிருக்கிறதே ஒழிய வேறொன்றுமில்லை.

“ அதே சமயத்தில், உயர்ந்தபட்ச அளவை நிர்ணயிப்பதற்கு அரசாங்கம் அதிகாரம் ஏடுத்துக்கொண்டிருக்கிறது. Waste land-களையும் இருந்தால் அதற்கு வரி விகிதாசாரம் அதிகமாக இருக்கக்கூடாது. வருமானம் வரக்கூடிய நிலமாயிருந்தால் அதிகமாக இருக்கவேண்டும். நிலத்தீர்வையின் அடிப்படையில் வரிவிகிதாசாரத்தைக் கணக்கிடுவதாயிருந்தால், கட்டிடங்களின்மீது விதிக்கும் வரி விகிதாசாரத்தைவிட அதிகமான வரி விகிதாசாரப்படியான வரி விதிக்கவேண்டும். உதாரணமாக ஒரு ஏக்கரவுக்கு land revenue 10 ரூபாயாக இருந்தால், கட்டிடங்களுக்கு விதிக்கும் வரி

[Sri S. S. Ramaswami Padayatchi] [23rd August 1955]

விகிதாசாரத்தின்படி விதிக்கமுடியாது. கட்டிடங்களுக்கு 10% அல்லது 20% விதித்தால், அதே விகிதாசாரத்தை விவசாய நிலங்களுக்கும் அனுசரித்தால், ஒரு ரூபாய் அல்லது 2 ரூபாய்தான் நிலத்துக்கு வரி கிடைக்கும். இது ரொம்ப குறைவாக இருக்குமாதலால்தான் கட்டிடங்களின்மீது விதிக்கும் வரி விகிதாசாரத்தையே விவசாய நிலங்களுக்கும் கையாள முடியாது. ஆகையால்தான், நகர சபைகள் கட்டிடங்களின்மீது விதிக்கும் வரி விகிதாசாரத்தைவிட விவசாய நிலங்களின்மீது நிலத்தீர்வையின் அடிப்படையில் விதிக்கும் வரி விகிதாசாரம்கூட இருக்கவேண்டும். 50% போட்டாலும்கூட 5 ரூபாய், 10 ரூபாய்தான் கிடைக்கும். சில அங்கத்தினர்கள் இந்த மசோதாவைப்பற்றி தவறுதலாக அபிப்பிராயம் தெரிவித்தார்கள். அரசாங்கத்தினுடைய உத்தேசம் வரியைக் குறைக்கவேண்டுமென்பதே தவிர, அதிகப்படுத்துவேண்டுமென்பதில்லை. சில நகர சபைகள் கட்சி மனப்பான்மை காரணமாகவோ அல்லது வேறு மனோபாவத்துடனோ அதிகமான வரியைப்போடலாம். அதற்காகவே தான் உயர்ந்த பட்ச அளவை நிர்ணயிப்பதற்கு இந்த மசோதாவின் கீழ் புதிதாக அரசாங்கம் அதிகாரம்கூட எடுத்துக்கொள்ள கோருகிறார்கள். நிலத்தின் தரத்தைப்பொறுத்தும் வரி விதிக்கவேண்டும். உதாரணமாக திருச்சி ஜில்லாவை எடுத்துக்கொண்டால் அங்கே நிலத்தின் தரம் உயர்ந்ததாக இருக்கும். ஆனால் தாராபுரத்தை எடுத்துக்கொண்டால், வறண்டு போன புஞ்சை நிலங்கள் அங்கே இருக்கின்றன. ஆதலால் மாகாண ரீதியில் இந்த வரி விகிதாசாரத்தை நிர்ணயிக்கமுடியாது. நிலத்தின் தரத்தைப் பொறுத்து வரி விகிதாசாரம் அமையவேண்டும். திருச்சிக்கு அதிகமான விகிதாசாரம் நிர்ணயிக்கலாம். ஆனால் தாராபுரத்துக்கு அதைவிட விகிதாசாரம் குறைவாக இருக்கவேண்டும். பொதுவாக, அந்தந்த நகரசபையே தேவையான வரி விகிதாசாரத்தை நிர்ணயித்துக்கொள்ளும். ஆனால் உயர்ந்த பட்ச அளவை நிர்ணயிப்பதற்கு அரசாங்கம் அதிகாரம் எடுத்துக்கொண்டிருக்கிறது. இப்பொழுதுகூட முனிசிபாலிட்டிகள் எவ்வளவு உயர்ந்தபட்ச அளவு வரி விதிக்கலாம் என்று அரசாங்கம் நிர்ணயிப்பதற்கு சட்டமிருக்கிறது. ஆகவே, விவசாய நிலங்களுக்கு இவ்வளவுதான் உயர்ந்தபட்ச அளவு வரி விதிக்கலாமென்று நிர்ணயிக்கும் அதிகாரத்தை அரசாங்கம் எடுத்துக்கொண்டிருக்கிறார்கள். வரியைக் குறைப்பதற்குத்தான் இந்தத் திருத்தமசோதா கொண்டுவரப்படுகிறதே தவிர, அதிகப்படுத்துவதற்கில்லை. கட்டிடங்களுக்கு விதிக்கப்படும் வரி விகிதாசாரத்தைவிட அதிகமாக இருக்கவேண்டுமென்பதற்குக் காரணம், land revenue அநேகமாக குறைவாக இருக்கும். ஆகவே அதே வரி விகிதாசாரத்தை விவசாய நிலங்களுக்கு அனுசரித்தால் வரி ரொம்ப குறைவாக இருக்கும். அதனால் எவ்வளவு உயர்ந்தபட்ச அளவு இருக்கவேண்டுமென்பதை நிர்ணயிப்பதற்கு சர்க்கார் அதிகாரம் கோருகிறார்கள். வெறொன்றுமில்லை.

“ நண்பர்கள் என்னுடைய விளக்கத்தைக் கேட்டு திருப்தி அடைந்திருப்பார்களென்று நம்புகிறேன். ஆகையால் இந்த மசோதாவை உடனே ஆலோசனைக்கு எடுத்துக்கொள்ளவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.”

MR. CHAIRMAN :—“ The question is—

‘ That the Madras District Municipalities (Amendment) Bill, 1955 (L.A. Bill No. 19 of 1955) as passed by the Assembly be taken into consideration.’ ”

The motion was carried and the Bill was taken into consideration.

Clauses 2, 3 and 1 were put and carried.

The Preamble was put and carried.

23rd August 1955]

* THE HON. SRI S. S. RAMASWAMI PADAYATCHI :—
“ Sir, I move—

‘ That the Madras District Municipalities (Amendment) Bill, 1955 (L.A. Bill No. 19 of 1955), as passed by the Assembly, be passed. ’ ”

MR. CHAIRMAN :—“ The question is—

‘ That the Madras District Municipalities (Amendment) Bill, 1955 (L.A. Bill No. 19 of 1955), as passed by the Assembly, be passed. ’ ”

The motion was carried and the Bill was passed.

(4) THE MADRAS CITY IMPROVEMENT TRUST (AMENDMENT)^a BILL,
1955 (L.A. BILL NO. 20 OF 1955).

* THE HON. SRI A. B. SHETTY :—“ Sir, I move—

‘ That the Madras City Improvement Trust (Amendment) Bill, 1955 (L.A. Bill No. 20 of 1955), as passed by the Assembly, be taken into consideration. ’

5-50
p.m.

The Madras City Improvement Trust was first constituted under the City Improvement Trust Act, 1945. At that time it was considered necessary that Government and the Corporation of Madras should each contribute to the Trust a sum not less than Rs. 2½ lakhs every year. The Trust had then no resources of its own and had to depend upon such contribution and loans, etc., from Government for the execution of its schemes as well as for meeting its establishment charges. Necessary provision was therefore made in the Act for the payment of the contribution by the Government and the Corporation of Madras annually. The Trust is now deriving substantial income by way of rent on buildings constructed by it and the income derived by the sale and lease of plots of land owned by it. Recently the question whether the Trust should continue to exist or not was examined by Government and it was decided that the Trust should continue to function but that the annual contribution by Government and the Corporation of Madras should be withdrawn from the year 1955-56, and that the jurisdiction of the Trust should be limited to loans and grants for individual schemes based on their merits. Hence the need for amending the original Act wherein it is stipulated that both the Government and the Corporation of Madras shall pay annually a contribution of Rs. 2½ lakhs to the Trust. That is why we have brought forward this Bill seeking to omit section 91 of the previous Act, which stipulated that the Government and the Corporation of Madras should each contribute to the Trust annually a sum of Rs. 2½ lakhs. I have explained the position and I do accordingly move that the Bill be taken into consideration.”

[23rd August 1955]

MR. CHAIRMAN :—" Motion moved—

' That the Madras City Improvement Trust (Amendment) Bill, 1955 (L.A. Bill No. 20 of 1955), as passed by the Assembly, be taken into consideration.' "

* DR. V. K. JOHN :—" I do not think it is wise on the part of Government to stop the contribution to the Trust. As far as I know the Trust has been doing very good work and it is doing very great help to the poor people who are unable to build houses of their own and who are unable to find houses wherein they could live by paying rent. I can quite see the Corporation of Madras with its limited resources not being able to make this contribution every year. But surely the Government must continue to make this contribution. Only just now we passed the Madras Buildings (Lease and Rent Control) Amendment Bill, 1955. This Improvement Trust with some assistance from the Government would have been able to build more houses. And that would go a long way in easing the housing shortage in the City of Madras. It is stated in the statement of objects and reasons appended to this Bill that originally it was intended at the time of starting this Trust, that both the Corporation and the Government would contribute every year a sum of Rs. 2½ lakhs for the present. If it was thought by the Government and the Legislature at that time that only in the beginning stages the Government and the Corporation should pay the annual contribution of Rs. 2½ lakhs to the Trust, they would have stipulated a definite period beyond which both the Corporation and the Government need not pay the contribution. But no such thing was contemplated at that time. That is why it is said in the original Act that *till the Trust exists*, both the Corporation and the Government would pay an annual contribution of Rs. 2½ lakhs. Government are now doing something which is not at all in the interests of the public. I do hope that Government would continue this annual contribution of 2½ lakhs to the City Improvement Trust."

* SRI T. PURUSHOTHAM :—" Mr. Chairman, Sir. The Hon. Minister told us that Government examined the question of abolition of the City Improvement Trust some time ago. But I think the Hon. Minister should tell us why that proposal was given up, so that we could appreciate the present measure that has been brought before us now. In my view that question should be re-examined in connection with the consolidated revision of the Madras City Municipal Act. I would suggest that we may evolve a statutory body, like the Madras City Taxation Appeals Committee, to whom the work of city improvement could be usefully entrusted. It may serve as an adjunct to the Corporation of Madras, without the need for the separate costly staff that is now attached to the City Improvement Trust. But it is seen that it has been decided to continue the City Improvement Trust

23rd August-1955] [Sri T. Purushotham]

for the present. What is not clear to us is when the contribution of the Government and Corporation is done away with, I should like to know how it is proposed to continue the Trust. How could it function then? How could it find funds for the schemes, that it has got to work out? It is stated that loans and grants would be given by Government to individual schemes on the merits of each case. I should like to know the details of the assistance that the Trust might be expected to have and what sort of assistance that the Government would give. Would the Corporation be asked to pay half the cost of any scheme put forward by the Trust, and will the Government meet the expenditure with regard to the other half. As it stands now both the Government and the Corporation shall each pay Rs. 2½ lakhs contribution annually to the Trust and all that will be taken away when we pass this Bill and it becomes an Act. The scope of assistance that the Trust would get by way of loans and grants should be clearly defined in the statute so that they may chalk out their programme for future improvements. The present Bill is absolutely silent about it. It deletes the provisions for payment of the present contributions to be made both by the Corporation and the Government. I wish the Hon. Minister tells us the details of how the Government propose to meet the cost of schemes submitted by the Trust and how in the absence of any statutory provision, the Corporation of Madras would be willing to make any contribution at all for these schemes. I hope the Hon. Minister would elucidate all these points before we could give our approval to this Bill."

* THE HON. SRI A. B. SHETTY :—" Just after partition, there was a proposal to reorganize the various heads of departments. It was thought then that the Inspector of Municipal Councils and Local Boards should be the ex-officio Chairman of this Improvement Trust. Then the Government examined the question of the need for the continuance of this Improvement Trust. In September last year, a deputation on behalf of the Improvement Trust met the Hon. Chief Minister and other concerned Ministers."

DR. V. K. JOHN :—" How many members are there in the Trust? "

* THE HON. SRI A. B. SHETTY :—" Ten members."

SRI M. ETHIRAJULU :—" Are there any Backward Class members in the Trust? "

* THE HON. SRI A. B. SHETTY :—" I have not got the names of the members just now for reference. But I may tell the House that the members are those who are well-acquainted with the needs of the City, who are interested in its welfare and who had served in the capacity of Mayors, members of the Corporation Council and other important public workers and they well deserve to be on the Board of the Trust, Sir.

[Sri A. B. Shetty]

[23rd August 1955]

"The deputation made out a very strong case about the need for retaining this Trust. They pointed out how in spite of various handicaps, such as lack of finance, delay in acquisition of land and the high cost of acquisition, the Trust had done a fair amount of work during the few years of its existence. It had acquired and improved a few slums; it had drawn up 21 schemes, 13 of which have been sanctioned by Government and 9 are under execution. It had provided 900 house-sites for slum dwellers for a nominal rent of Re. 1 or Rs. 2 per month; it had constructed houses for poor and middle class people and also for slum dwellers. It has spent about Rs. 7½ lakhs on housing schemes and has invested on house property Rs. 62 lakhs and odd. The trust is getting a fair amount of income by way of rents . . . (A voice: 'What is the amount?') It is getting Rs. 14 lakhs. (An hon. Member: 'Every year?') The total normal annual income is Rs. 14 lakhs and the expenditure is Rs. 13 lakhs. The Government and the Corporation have already given a contribution of Rs. 40 lakhs during these few years and Government have also given a loan of Rs. 37½ lakhs to the Trust. This year the Government have made a provision for a loan of Rs. 1.77 lakhs in the current year's Budget."

SRI MOHAMED RAZA KHAN:—"May I know what the net income of the Trust every year is?"

* THE HON. SRI A. B. SHETTY:—"It varies from year to year. The Government have undertaken to provide loans up to a maximum of Rs. 20 lakhs every year. As regards giving of grants, it has been restricted to individual schemes with reference to the merits of each case, especially for unremunerative schemes such as slum improvement, provision of water-supply, drainage facilities, etc. The Corporation has also been asked to make an equal contribution to the Trust in respect of such schemes. The Government of India have also allotted to the Trust a sum of Rs. 20 lakhs as loans in respect of the Low Income Group Housing Scheme. Another Rs. 3.24 lakhs has been provided towards the acquisition of land by the Trust for being sold out in plots. So every assistance by way of grants will be given by the Government as well as by the Corporation for schemes examining each scheme on merits. Loans also will be given."

"This is a very simple measure, a non-controversial measure. The Trust has done good work and it is getting a fair amount of income now. I therefore hope that hon. Members would give their approval to this measure."

SRI MOHAMED RAZA KHAN:—"What is the future policy to be followed in the matter of financing this Trust Board to function?"

* THE HON. SRI A. B. SHETTY:—"The Government will give loans and grants. They have undertaken to provide loans up to a maximum of Rs. 20 lakhs every year and they will also make grants restricting them to the merits of each scheme."

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SRI MOHAMED RAZA KHAN :—“ What about the Corporation grant? ”

MR. CHAIRMAN :—“ The question is—

‘ That the Madras City Improvement Trust (Amendment) Bill, 1955 (L.A. Bill No. 20 of 1955), as passed by the Assembly, be taken into consideration.’ ”

The motion was carried and the Bill was taken into consideration.

Clauses 2 and 3 were put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

* THE HON. SRI A. B. SHETTY :—“ Sir, I move—

‘ That the Madras City Improvement Trust (Amendment) Bill, 1955 (L.A. Bill No. 20 of 1955), as passed by the Assembly, be passed.’ ”

MR. CHAIRMAN :—“ Motion moved—

‘ That the Madras City Improvement Trust (Amendment) Bill, 1955 (L.A. Bill No. 20 of 1955), as passed by the Assembly, be passed.’ ”

DR. V. K. JOHN :—“ Sir, I would like to know whether the Government are aware of the provision under section 91 of the original Act that the Government shall contribute to the Board on the first day of April every year, a sum of Rs. 2½ lakhs, so long as the Board continues to exist? That was the original intention and may I know why it is changed now? ”

* THE HON. SRI A. B. SHETTY :—“ I have already explained, Sir.”

MR. CHAIRMAN :—“ The question is—

‘ That the Madras City Improvement Trust (Amendment) Bill, 1955 (L.A. Bill No. 20 of 1955), as passed by the Assembly, be passed.’ ”

The motion was carried and the Bill was passed.

MR. CHAIRMAN :—“ The House will now adjourn and meet again tomorrow afternoon at 3 o'clock.”

The House then adjourned.

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V.—PAPERS LAID ON THE TABLE OF THE HOUSE.

* 1. Notification issued with G.O. Ms. No. 1813, Home, dated the 28th June 1955, regarding amendment to the Madras Motor Vehicles (Taxation of Passengers and Goods) Rules, 1953, relating to the levy of fee for issue of duplicate composition certificate.

* 2. Notification issued with G.O. Ms. No. 2011, Home, dated the 22nd July 1955, regarding the remission of court-fees payable under the Court Fees and Suits Valuation Act, 1955.

* 3. Statement II showing action taken on the promise made during the 7th Session, 1955, of the Legislative Council.

* 4. Report and proceedings of the Joint Select Committee on the Madras Cultivating Tenants Protection Bill, 1955 (L.A. Bill No. 11 of 1955).

5. Bills passed by the Assembly and received therefrom in the Council :

† (i) The Madras Buildings (Lease and Rent Control) Amendment Bill, 1955 (L.A. Bill No. 21 of 1955).

† (ii) The Madras District Municipalities (Amendment) Bill, 1955 (L.A. Bill No. 19 of 1955).

† (iii) The Madras City Improvement Trust (Amendment) Bill, 1955 (L.A. Bill No. 20 of 1955).

† (iv) The Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1955 (L.A. Bill No. 22 of 1955).

† (v) The Madras Land Revenue (Surcharge) Amendment Bill, 1955 (L.A. Bill No. 24 of 1955).

* (vi) The Madras Marumakkathayam (Removal of Debts) Bill, 1955 (L.A. Bill No. 12 of 1955).

* Laid on the table of the House on 22nd August 1955.

† Circulated by special messengers on 19th August 1955.

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APPENDIX I.

[Vide item IV (2) on page 376 supra.]

L.A. Bill No. 21 of 1955. (As passed by the Assembly.)

I

A Bill further to amend the Madras Buildings (Lease and Rent Control) Act, 1949.

WHEREAS it is expedient further to amend the Madras Buildings (Lease and Rent Control) Act, 1949 (Madras Act XXV of 1949), for the purposes hereinafter appearing :

BE it enacted in the Sixth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madras Buildings (Lease and Rent Control) Amendment Act, 1955.

(2) It shall come into force on the 1st October 1955.

2. *Amendment of section 1, Madras Act XXV of 1949.*—In section 1 of the Madras Buildings (Lease and Rent Control) Act, 1949 (Madras Act XXV of 1949)—

“(a) in sub-section (2), to clause (a), the following proviso shall be added, namely :—

‘ Provided that the State Government may, by notification in the *Fort St. George Gazette*, direct that this Act shall cease to apply to any municipality specified therein from such date as may be mentioned in the notification ’ ; and

“(b) in sub-section (3), for the expression ‘ 30th September 1955 ’, the expression ‘ 30th September 1957 ’ shall be substituted.”

APPENDIX II.

[Vide item IV (3) on page 397 supra.]

L.A. Bill No. 19 of 1955. (As passed by the Assembly.)

A Bill further to amend the Madras District Municipalities Act, 1920.

WHEREAS it is expedient further to amend the Madras District Municipalities Act, 1920 (Madras Act V of 1920), for the purposes hereinafter appearing :

BE it enacted in the Sixth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madras District Municipalities (Amendment) Act, 1955.

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2. *Amendment of section 81, Madras Act V of 1920.*—In section 81 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920) (hereinafter referred to as the principal Act),—

(i) for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) Save as otherwise provided in this Act, these taxes shall be levied at such percentages of the annual value of buildings, or lands which are occupied by, or adjacent and appurtenant to, buildings, or both, as may be fixed by the municipal council, subject to the provisions of section 78 ”;

(ii) in sub-section (4), for clause (a), the following clause shall be substituted, namely :—

“(a) The municipal council shall, in the case of lands used exclusively for agricultural purposes, levy these taxes at such proportions as it may fix, of the annual value of such lands as calculated in accordance with the provisions of section 79 of the Madras District Boards Act, 1920 (Madras Act XIV of 1920) :

Provided that the proportion shall not exceed the maximum, if any, fixed by the State Government.”

3. *Amendment of section 84, Madras Act V of 1920.*—In section 84 of the principal Act, in sub-section (1), after the words “when levied on their annual value”, the words, figures and brackets “under section 81, sub-section (2)” shall be inserted.

APPENDIX III.

[Vide item IV (4) on page 403 supra.]

L.A. Bill No. 20 of 1955. (As passed by the Assembly.)

A Bill to amend the Madras City Improvement Trust Act, 1950.

WHEREAS it is expedient to amend the Madras City Improvement Trust Act, 1950 (Madras Act XXXVII of 1950), for the purposes hereinafter appearing;

BE it enacted in the Sixth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madras City Improvement Trust (Amendment) Act, 1955.

2. *Omission of section 91, Madras Act XXXVII of 1950.*—In the Madras City Improvement Trust Act, 1950 (Madras Act XXXVII of 1950) (hereinafter referred to as the principal Act), section 91 shall be omitted.

3. *Amendment of section 122, Madras Act XXXVII of 1950.*—In section 122 of the principal Act—

(i) clause (b) shall be omitted and clauses (c) to (g) shall be relettered as clauses (b) to (f) respectively; and

(ii) in clause (b) as so relettered, the word “other” shall be omitted.